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UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

May 25, 1933.

Suspending annual assessment work on mining claims. Act of May 18, 1933, Public No. 18.

Registers,

U. S. Land Offices.

Sirs:

For your information, and in order that you may inform inquirers relative thereto, your attention is called to the act of May 18, 1933, Public No. 18, providing for the suspension of annual assessment work on mining claims held by location in the United States and Alaska, and reading as follows:

> Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provision of Section 2324 of the Revised Statutes of the United States, which requires on each mining claim located, and until a patent has been issued therefor, not less than $100 worth of labor to be performed or improvements aggregating such amount to be made each year, be, and the same is hereby, suspended as to all mining claims in the United States, including Alaska, during the year beginning at 12 o'clock meridian July 1, 1932, and ending at 12 o'clock meridian July 1, 1933: Provided, That the provisions of this act shall not apply in the case of any claimant not entitled to exemption from the payment of a Federal income tax for the taxable year 1932: Provided further, That every claimant of any such mining claim, in order to obtain the benefits of this act, shall file, or cause to be filed, in the office where the location notice or certificate is recorded, on or before 12 o'clock meridian, July 1, 1933, a notice of his desire to hold said mining claim under this act, which notice shall state that the claimant, or claimants, were entitled to exemption from the payment of a Federal income tax for the taxable year 1932.

It will be observed that only those claimants entitled to exemption from the payment of a Federal income tax for the taxable year 1932 are benefited by the act, and that such claimants must file on or before 12 o'clock noon July 1, 1933, in the office where the location notice or certificate is recorded, a notice of their desire to hold the claims under the act, stating therein that they were entitled to exemption from payment of a Federal income tax for the year 1932.

Very respectfully,

FRED. W. JOHNSON,
Commissioner.

Approved: May 25, 1933.

OSCAR L. CHAPMAN,
Assistant Secretary.

Cir. 1300

(Copy from Circular 1300)

Act suspending annual assessment work on mining claims. Act of May 18, 1933, Public No. 18.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provision of Section 2324 of the Revised Statutes of the United States, which requires on each mining claim located, and until a patent has been issued therefor, not less than $100 worth of labor to be performed or improvements aggregating such amount to be made each year, be, and the same is hereby, suspended as to all mining claims in the United States, including Alaska, during the year beginning at 12 o'clock meridian, July 1, 1932, and ending at 12 o'clock meridian July 1, 1933: Provided, That the provisions of this act shall not apply in the case of any claimant not entitled to exemption from the payment of a Federal income tax for the taxable year 1932: Provided further, That every claimant of any such mining claim, in order to obtain the benefits of this act, shall file, or cause to be filed, in the office where the location notice or certificate is recorded, on or before 12 o'clock meridian, July 1, 1933, a notice of his desire to hold said mining claim under this act, which notice shall state that the claimant, or claimants, were entitled to exemption from the payment of a Federal income tax for the taxable year 1932.

May 25, 1933.

(Copy from Circular 1500)

Act suspending annual assessment work on mining claims. Act of May 18, 1933. Public No. 18.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of Section 2324 of the Revised Statutes of the United States, which requires on each mining claim located, and until a patent has been issued therefor, not less than $100 worth of labor to be performed or improvements aggregating such amount to be made each year, be, and the same is hereby, suspended as to all mining claims in the United States, including Alaska, during the year beginning at 12 o'clock meridian, July 1, 1932, and ending at 12 o'clock meridian July 1, 1933: Provided, That the provisions of this act shall not apply in the case of any claimant not entitled to exemption from the payment of a Federal income tax for the taxable year 1932: Provided further, That every claimant of any such mining claim, in order to obtain the benefits of this act, shall file, or cause to be filed, in the office where the location notice or certificate is recorded, on or before 12 o'clock meridian, July 1, 1933, a notice of his desire to hold said mining claim under this act, which notice shall state that the claimant, or claimants, were entitled to exemption from the payment of a Federal income tax for the taxable year 1932.

May 25, 1933.

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Circular No. 1304

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

DENVER, COLO.
Date APR 20 1934

July 11, 1933.

STOCK-RAISING HOMESTEAD ENTRIES IN GEOLOGICAL STRUCTURES OF PRODUCING OIL OR GAS FIELDS SUBJECT TO ALLOWANCE.

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"C" AJM 1502871

Registers,

U. S. Land Offices.

Gentlemen:

Section 1 of the stock-raising homestead act of December 29, 1916 (39 Stat. 862), as amended by the act of February 28, 1931 (46 Stat. 1454), was amended by the act of June 9, 1933 (Public No. 34), to read as follows:

"From and after December 29, 1916, it shall be lawful for any person qualified to make entry under the homestead laws of the United States to make a stock-raising homestead entry for not exceeding six hundred and forty acres of unappropriated unreserved public lands in reasonably compact form: Provided, however, That the land so entered shall theretofore have been designated by the Secretary of the Interior as 'stock-raising lands': Provided further, That for the purposes of this section lands withdrawn or reserved solely as valuable for oil or gas shall not be deemed to be appropriated or reserved: Provided further, That the provisions of this section shall not apply to naval petroleum reserves and naval oil-shale reserves: And provided further, That should said lands be within the limits of the geological structure of a producing oil or gas field entry can only be allowed, in the discretion of the Secretary of the Interior, in the absence of objection, after due notice, by the lessee or permittee, and any patent therefor shall contain a reservation to the United States of all minerals in said lands and the right to prospect for, mine and remove the same."

This act removes the restriction of the act of February 28, 1931, against allowance of stock-raising homestead entries for lands within the limits of the geologic structures of producing oil and gas fields, such entries for lands within such structures to be allowed in the discretion of the Secretary of the Interior, in the absence of objection after due notice, by any lessee or permittee of the lands sought to be entered.

The lands applied for must be designated under the stock-rasising homestead law or subject to such designation and if not so designated the application to make entry must be accompanied with a petition, in duplicate, for such designation of the land involved. The act does not permit such entries for lands in naval petroleum reserves and naval oil shale reserves.

Accordingly, any application to make stock-raising homestead entry of lands within the limits of such a structure, if otherwise regular and allowable, will be received by you, noted on your records and suspended until it shall be determined by the Secretary of the Interior whether or not entry may be allowed. You will notify the applicant of the suspension.

If any of the lands applied for are embraced in an application for permit or permit or lease granted, the instructions of July 21, 1925, Circular No. 1021 (51 I. D. 167), must be followed, and in due time you will transmit to this office the application and all papers filed in connection therewith and report as to status of the lands involved.

Where objections are filed by mineral permittees or lessees, the instructions of September 17, 1925, Circular No. 1031 (51 I. D. 202), will govern. If the application is otherwise allowable, it will be submitted to the Secretary of the Interior with appropriate recommendations by this office, and when final decision is made as to the allowance or rejection of the application, you will be given instructions as to the action to be taken thereon.

In so far as they are inconsistent with these instructions the following circulars are hereby amended to agree herewith:

Circular of October 6, 1920 (47 I. D. 474).
" No. 523 (51 I. D. 1).
" " 541 (48 I. D. 389).
" " 1021 (51 I. D. 167).
" " 1244 (53 I. D. 346).
" " 1303 (I. D.).

Very respectfully,

FRED W. JOHNSON
Commissioner.

Approved: July 11, 1933

OSCAR L. CHAPMAN,
Assistant Secretary.

Vacant public land
on Nov. 25, 1934,
added by pen.

Closed states
on page 12.

CIRCULAR No. 1306

VACANT PUBLIC LANDS ON JULY 1, 1933

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D.C., July 1, 1933.

GENERAL INFORMATION

The lands in the Thirteen Original States, Connecticut, Delaware, Georgia, Maryland, Massachusetts, North Carolina, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, and Virginia, also in Texas, never formed a part of the public domain; their disposition is governed by the State laws, and information concerning same should be sought from the State authorities.

There are no public lands in the State of Kentucky and Tennessee, and none is known to this office remaining undisposed of in the States of Illinois, Indiana, Iowa, Missouri, and Ohio. Small areas remain in the States of Alabama, Arkansas, Florida, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Nebraska, Oklahoma, and Wisconsin, in widely scattered tracts, and no descriptive lists thereof are available. Entry of these lands must be made at, and all other related business transacted with, the General Land Office, at Washington, D.C., as there are no district offices in the States named.

Because of the small proportion of surveyed land, no attempt is made to give statistical information concerning the unappropriated Government land in the Territory of Alaska. The total area of the Territory is 378,165,760 acres, of which about 30,000,000 acres are reserved. Of the reserved area, 21,397,109 acres are within the boundaries of national forests. Approximately 1,983,085 acres have been surveyed under the rectangular system and special surveys by metes and bounds.

The following tables show, by States, land districts, and counties, the area of unappropriated and unreserved public lands, surveyed and unsurveyed, with a brief statement of their character.

These figures are as nearly correct as is possible under the circumstances and are mainly intended to convey general information as to the quantity, character, and location of the public lands. As a rule, the Government is unable to furnish specific information as to soil, topography, and value of the land for different purposes. It

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may be stated generally, however, that the remaining vacant public lands, not mineral in character, are chiefly valuable for grazing purposes, though some tillable land may be found.

The General Land Office cannot advise inquirers as to the location of the unappropriated tracts in counties where only a few acres are reported as vacant. Information on that subject may be obtained by a careful examination of the records of the district land offices or of this office, which are open for inspection when not in official use. No maps of States and counties showing the location of the vacant public lands are furnished but township diagrams and plats giving information specified below may be prepared and sold by the registers of the various district land offices at the following prices:

For a township diagram showing entered land only	$1. 00
For a township plat showing form of entries, names of claimants, and character of entries	2. 00
For a township plat showing form of entries, names of claimants, character of entry, and number	3. 00
For a township plat showing form of entries, names of claimants, character of entry, number, and date of filing or entry, together with topography, etc	4. 00

The General Land Office records are subject to reasonable inspection for the purpose of obtaining data as to vacant public land, and it will be glad to furnish information as to the status of any particular tract if the legal subdivision, section, township, and range thereof, according to the public land survey, is given, or, if unsurveyed, by its relative position to adjacent surveyed lands.

The district officers furnish prospective settlers general advice as to lands in their respective districts and literature regarding the methods of making entry. However, personal inspection must be made of the tract to be entered before application is filed, and the settler should exercise great care to satisfy himself as to its character before taking any other step.

No stamps or self-addressed envelopes need be sent with inquiries.

Very respectfully,

FRED W. JOHNSON,
Commissioner.

Approved: July 24, 1933.

OSCAR L. CHAPMAN,
Assistant Secretary.

Statement showing the unappropriated and unreserved lands by district and county on July 1, 1933

[Counties containing no vacant land are omitted]

ARIZONA

Land district and county	Area in acres			Character
	Surveyed	Unsurveyed	Total	
Phoenix:				
Apache	324,580	None	324,580	Desert land. 295,848
Cochise	350,000	62,080	412,080	Mountainous and arid. 397,358
Coconino	500,000	300,000	800,000	Rough and arid. 706,060
Gila	16,000	36,600	52,600	Mountainous and arid. 49,560
Graham	400,000	230,000	630,000	Do. 614,114
Greenlee	142,820	100,000	242,820	Do. 159,800
Maricopa	720,000	871,420	1,591,420	Desert land. 2,117,445
Mohave	1,370,000	1,166,000	2,536,000	Do. 2,492,362
Navajo	155,000	None	155,000	Do. 172,710
Pima	520,000	947,000	1,467,000	Do. 1,340,479
Pinal	670,000	127,000	797,000	Do. 693,345
Santa Cruz	2,640	None	2,640	Arid and rolling. 1,280
Yavapai	707,700	215,760	923,460	Mountainous and arid. 762,778
Yuma	792,000	2,477,000	3,269,000	Desert land. 3,269,919
Total	6,670,740	6,532,860	13,203,600	13,073,058

CALIFORNIA

Los Angeles: Santa Barbara				235 626,829
Imperial	608,372	126,735	735,107	Level, rolling, mountainous, all desert.
Kern	71,951		71,951	Arid, level desert, mountainous. 67,649
Los Angeles	7,353	55	7,408	Do. 14,930
Riverside	712,494	692,565	1,405,059	Do. 1,043,205
San Bernardino	3,711,423	786,719	4,498,142	Do. 4,222,528
San Diego	395,657	36,376	432,033	Do. 382,155
Ventura	3,088		3,088	Mountainous. 3,286
Total	5,510,338	1,642,450	7,152,788	6,360,817
Sacramento:				1,876
Alpine	2,016	300	2,316	Rough, mountainous.
Amador	9,426		9,426	Mountainous, mineral. 10,122
Butte	8,705	320	9,025	Do. 8,540
Calaveras	17,605		17,605	Hilly, grazing, mineral. 16,354
Colusa	21,669	1,989	23,658	Hilly, grazing. 22,548
El Dorado	12,677		12,677	Mineral, mountainous. 13,195
Fresno	95,603		95,603	Grazing, rough, mountainous, desert. 96,322
Glenn	10,691		10,691	Hilly, grazing. 11,143
Humboldt	1,776	2,756	4,532	Mountainous, grazing, timber. 5,648
Inyo	1,211,739	2,136,644	3,348,383	Mountainous, desert, mineral. 3,239,663
Kern	387,321	95,167	482,488	Mountainous, grazing, desert, mineral. 475,393
Kings	933		933	Mountainous, desert. 1,546
Lake	88,205	2,720	90,925	Hilly, grazing. 85,699
Lassen	690,152	3,453	693,605	Grazing, mineral, desert. 694,746
Madera		600	600	Mountainous, grazing. 1,543
Mariposa	24,788		24,788	Hilly, grazing, mineral. 24,423
Mendocino	69,342	1,600	70,942	Rough, grazing. 66,655
Merced	3,756		3,756	Rough, mountainous. 3,793
Modoc	235,188	71,534	306,722	Grazing, mineral. 291,273
Mono	107,577	22,456	130,033	Mountainous, grazing, mineral. 131,318
Monterey	57,723		57,723	Rough, mountainous. 59,659
Napa	40,391		40,391	Do. 37,735
Nevada	10,183		10,183	Mountainous, mineral. 9,937
Placer	2,481		2,481	Do. 4,049
San Benito	119,943		119,943	Rough, mountainous. 121,504
San Bernardino	1,980,902	1,311,362	3,292,264	Mountainous, desert, mineral. 3,324,899
San Luis Obispo	133,141	2,510	135,651	Rough, mountainous. 132,513
Santa Barbara	3,544		3,544	Do. 2,961
Santa Clara	16,574		16,574	Do. 17,183
Shasta	81,373	63,405	144,778	Mountainous, grazing, mineral. 143,505
Sierra	1,747		1,747	Mountainous, mineral. 1,651
Siskiyou	50,247	13,694	63,941	Mountainous, grazing, mineral. 65,558
Solano	880		880	Rough, mountainous. 1,198
Sonoma	8,301	1,370	9,671	Do. 7,688
Stanislaus	14,387		14,387	Do. 14,616
Tehama	24,531	429	24,960	Hilly, grazing, mineral. 26,088
Trinity	29,677	4,700	34,377	Mountainous, mineral, timber. 32,138
Tulare	63,746	15,895	79,641	Mountainous, grazing. 78,131
Tuolumne	6,830	1,600	8,430	Mountainous, grazing, mineral. 6,730
Yolo	22,761	640	23,401	Hilly, grazing. 25,160
Ventura				340
Total	5,668,531	3,755,144	9,423,675	9,315,013
State total	11,178,869	5,397,594	16,576,463	

15,675,830

Statement showing the unappropriated and unreserved lands by district and county on July 1, 1933—Continued

COLORADO

Land district and county	Area in acres			Character
	Surveyed	Unsurveyed	Total	
Denver:				
Boulder	4,200		4,200	Mountainous, mineral. 59,994
Chaffee	80,640		80,640	Grazing, mineral, mountainous. 45,290
Clear Creek	4,760	11,600	16,360	Mountainous, mineral. 17,161
Delta	157,011	1,600	158,611	Grazing, agricultural, mountainous. 136,676
Dolores	27,790		27,790	Mountainous. 24,858
Eagle	158,855	4,140	162,995	Grazing, agricultural, mountainous. 162,479
Elbert	240		240	Mountainous, mineral. 240
Fremont	27,460		27,460	Mountainous, grazing, mineral. 5,222
Garfield	526,685	75,774	602,459	Mountainous, grazing, shale, coal. 595,388
Gilpin	880	1,120	2,000	Mountainous, grazing, mineral. 4,758
Grand	83,031	478	83,509	Grazing, mountainous, mineral, coal. 69,905
Gunnison	261,680	35,840	297,520	Grazing, mountainous, agricultural. 250,694
Hinsdale	42,561	49,360	91,921	Grazing, mountainous. 102,758
Jackson	159,140	2,800	161,940	Do. 127,918
Jefferson	800		800	Do. 160
Lake	13,080		13,080	Do. 5,998
Larimer	23,340	120	23,460	Do. 18,956 2,196
Logan	2,840		2,840	Sandy, grazing, agricultural.
Mesa	621,110	155,870	776,980	Grazing, agricultural, coal. 827,326
Moffat	1,237,979	163,111	1,401,090	Mountainous, grazing, agricultural, coal. 1,395,363
Montrose	464,993	43,400	508,393	Mountainous, grazing, agricultural. 513,354
Morgan	1,120		1,120	Sandy, grazing, agricultural. 876
Ouray	27,320	1,920	29,240	Grazing, mineral. 27,628
Park	60,660	40	60,700	Mountainous, grazing. 61,760
Phillips	320		320	Sandy, grazing, agricultural. 323
Pitkin	12,960	640	13,600	Mountainous, grazing. 14,207
Rio Blanco	929,153	171,480	1,100,633	Agricultural, grazing, coal. 1,159,644
Routt	46,132	10,000	56,132	Do. 46,663
Saguache	84,560		84,560	Mountainous, grazing. 80,037
San Miguel	247,441	40,610	288,051	Mountainous, grazing, agricultural.
Sedgwick	40		40	Mountainous, grazing. 40 302,822
Summit	13,240	1,280	14,520	Grazing. 12,734
Teller	2,800		2,800	Mountainous, grazing, mineral. 1,360
Washington	520		520	Grazing, mineral. 560
Weld	3,520		3,520	Grazing, sandy. 63,886
Yuma	1,400		1,400	Do. 1,934
On June 30, 1934 Total	5,330,261	771,183	6,101,444	6,141,169
Pueblo:				
30,540 Alamosa	96,466	30,374	30,374	Mountainous. 31,945
Archuleta	90,610	7,680	98,290	Mountainous, grazing, mineral. oo
838 Baca	919		919	Agricultural, grazing. 838
3,473 Bent	3,561		3,561	Do. 4,027
oo Chaffee	738		738	Agricultural, grazing, mountainous. oo
163 Cheyenne	190		190	Agricultural, grazing. 189 171,558
173,491 Conejos	169,634	1,720	171,354	Agricultural, grazing, mountainous.
8,106 Crowley	1,602 1,506		1,506	Agricultural, grazing. 1,602
Custer	8,514		8,514	Mountainous, grazing. 8,566
20,544 Dolores	17,198	1,840	19,038	Agricultural, grazing, mountainous. oo
240 Elbert	1,773 200		200	Agricultural, grazing. 200 636
277,936 El Paso	2,086		2,086	Mountainous, grazing.
Fremont	261,682		261,682	Do. 263,628
Hinsdale	9,900	9,900	9,900	Mountainous, mineral. oo
48,159 Huerfano		49,605	49,605	Agricultural, grazing. 49,468
1,153 Kiowa	681		681	Do. 1,213
147,027 Kit Carson	133 131		131	Do. 133
La Plata	140,194	12,142	152,336	Agricultural, grazing, mountainous. oo
32,289 Las Animas	1,229 40,205		40,205	Agricultural, grazing. 34,699
206,612 Lincoln	1,269		1,269	Do. 1,229
Montezuma	172,562	28,688	201,250	Agricultural, grazing, mountainous. oo
781 Otero	1,941 2,118		2,118	Agricultural, grazing, sandy. 2,348
Prowers	862		862	Do. 702
13,184 Pueblo	13,027		13,027	Agricultural, grazing, mountainous. 13,424
78,969 Rio Grande	206,268 75,079	2,444	77,523	Mountainous, grazing. 79,471
46,023 Saguache	228,153		228,153	Do. 206,970
San Juan		46,023	46,023	Mountainous, grazing, mineral. oo
19,045 Teller	22,794		22,794	Do. 21,748
1,427,885 Total	1,333,892	110,437	1,444,329	894,594 ★
State total	6,664,153	881,620	7,545,773	7,035,763 ★

★ Pueblo Register reports "exclusive of grazing districts"

Statement showing the unappropriated and unreserved lands by district and county on July 1, 1933—Continued

IDAHO

Land district and county	Area in acres			Character
	Surveyed	Unsurveyed	Total	
Blackfoot:				272,700
Ada	243,840		243,840	Arid, mountainous, grazing.
Adams	26,640		26,640	Mountainous, timber, grazing. 33,020
Bannock	42,400		42,400	Grazing, mountainous. 53,740
Bear Lake	16,840		16,840	Do. 19,380
Bingham	242,600		242,600	Lava and dry farming. 343,300
Blaine	452,520	192,000	644,520	Mountainous and grazing. 627,560
Boise	55,900		55,900	Mountainous, timber, grazing. 48,640
Bonneville	44,080	41,600	85,680	Lava and dry farming. 84,840
Butte	599,840	105,600	705,440	Mountainous, grazing. 738,840
Camas	68,720		68,720	Grazing and mountainous. 56,200
Canyon	15,360		15,360	Arid grazing. 14,320 15,680
Caribou	15,000		15,000	Grazing, mountainous.
Cassia	305,120	3,840	308,960	Mountainous, lava, grazing. 315,440
Clark	231,120	29,440	260,560	Dry farming and sandy. 278,140
Custer	646,960	136,960	783,920	Mountainous, grazing. 739,520
Elmore	400,760		400,760	Lava and sagebrush. 364,820 1,840
Franklin	3,200		3,200	Grazing and mountainous.
Fremont	63,400		63,400	Dry farming and sandy. 68,800 29,980
Gem	32,960		32,960	Arid, grazing, mountainous.
Gooding	161,680	7,680	169,360	Grazing and mountainous. 183,860 67,520
Idaho	63,760	16,320	80,080	Arid, timber, grazing, mineral.
Jefferson	268,880		268,880	Dry farming and sandy. 304,340 134,680
Jerome	108,800		108,800	Lava and sagebrush plains.
Lemhi	425,640	90,080	515,720	Mountainous and grazing. 466,200
Lincoln	280,280	145,160	425,440	Lava, plains, grazing. 461,120
Madison	5,920		5,920	Mountainous. 8,800
Minidoka	120,200	69,760	189,960	Agricultural and sagebrush plains. 219,320
Oneida	111,840		111,840	Mountainous. 101,280
Owyhee	3,190,480	414,400	3,604,880	Lava, grazing, and sagebrush. 3,151,400
Payette	35,120		35,120	Arid, mountainous, grazing. 35,100
Power	163,760	30,080	193,840	Mountainous. 182,380
Teton	2,400		2,400	Do. 2,200
Twin Falls	366,040	23,040	389,080	Agricultural and sagebrush plains. 269,100
Valley	5,860		5,860	Arid, mountainous, timber, mineral.
Washington	133,320		133,320	Do. 135,020 5,200
Total	8,951,240	1,305,960	10,257,200	9,834,280
Couer d'Alene:				17,002
Benewah	27,235		27,235	Timber, grazing, brushy hillsides.
Bonner	20,763		20,763	Do. 19,095 5,373
Boundary	4,840		4,840	Rough brushy hillsides.
Clearwater	10,727		10,727	Grazing, timber. 15,437 52,412
Idaho	33,751	35,280	69,031	Grazing, timber, mining.
Kootenai	19,842		19,842	Timber, grazing, mining. 16,584
Latah	1,580		1,580	Timber, grazing. 2,234 7,303
Lewis	5,220		5,220	Timber, grazing, rough hillsides.
Nez Perce	12,232		12,232	Grazing, timber, rough hillsides. 15,681
Shoshone	75,351	6,400	81,751	Mining, timber, grazing. 81,048
Total	211,541	41,680	253,221	232,168
State total	9,162,781	1,347,640	10,510,421	10,066,448

MONTANA

Billings:				30,340
Beaverhead	28,613		28,613	Rough, mountainous, grazing.
Big Horn	29,503		29,503	Farming, grazing, mountainous. 26,999
Broadwater	9,560		9,560	Rough, grazing, mountainous. 7,320
Carbon	216,054	2,500	218,554	Do. 213,805 369,996
Carter	388,941		388,941	Farming, grazing.
Chouteau	17,447		17,447	Rough, grazing, mountainous. 14,634
Custer	180,746		180,746	Grazing, rough, farming. 172,842
Dawson	49,387		49,387	Do. 68,248
Fallon	33,029		33,029	Do. 34,328
Fergus	221,198		221,198	Do. 251,886
Gallatin	18,055		18,055	Grazing, mountainous. 15,175

Statement showing the unappropriated and unreserved lands by district and county on July 1, 1933—Continued

MONTANA—Continued

Land district and county	Area in acres			Character
	Surveyed	Unsurveyed	Total	
Billings—Continued.				538,001
Garfield	618,413		618,413	Grazing, rough, farming. 10,630
Golden Valley	8,953		8,953	Grazing, mountainous.
Jefferson	11,377		11,377	Do. 12,058
Judith Basin	5,045		5,045	Grazing, mountainous, farming. 9,592
McCone	102,474		102,474	Do. 56,032
Madison	35,457		35,457	Do. 36,321
Musselshell	19,632		19,632	Do. 19,085
Park	18,650		18,650	Mountainous. 19,585
Petroleum	199,212		199,212	Rough, grazing, farming. 170,869
Powder River	133,163		133,163	Rough, grazing.
Prairie	38,519		38,519	Do. 42,540 115,154
Richland	15,533		15,533	Rough, grazing, farming. 10,643
Rosebud	226,030		226,030	Do. 189,576 6,760
Stillwater	7,674		7,674	Mountainous, grazing.
Sweetgrass	12,442		12,442	Rough, grazing, farming. 12,599
Treasure	12,001		12,001	Do. 20,360 2,285
Wheatland	2,490		2,490	Do.
Wibaux	24,527		24,527	Do. 22,071
Yellowstone	10,011		10,011	Mountainous, rough, grazing. 10,517
Total	2,694,136	2,500	2,696,636	2,510,271
Great Falls:				447,640
Beaverhead	414,561	38,720	453,236	Grazing, hilly, and mountainous. 236,655
Blaine	245,063		245,063	Agricultural, grazing, and mountainous.
Broadwater	49,664		49,664	Grazing, hilly, and mountainous. 38,763
Cascade	31,824		31,824	Agricultural, grazing, and hilly.
Choteau	92,227		92,227	Do. 81,995 34,610
Daniels	7,806		7,806	Do. 8,545
Deer Lodge	16,096	12,420	28,516	Grazing and mountainous. 28,902
Fergus	8,037		8,037	Do. 7,407
Flathead	3,698		3,698	Lightly timbered or burned over. 3,785
Gallatin	1,892		1,892	Grazing and mountainous. 1,852
Garfield	92,828		92,828	Agricultural and grazing. 92,957
Glacier	3,228		3,228	Agricultural, grazing, and mountainous. 3,270
Granite	43,537		43,537	Grazing and mountainous. 45,057
Hill	24,975		24,975	Agricultural and grazing. 23,316
Jefferson	57,555		57,555	Grazing and mountainous. 55,884
Judith Basin	4,905	1,600	6,505	Grazing and hilly. 6,585
Lake	1,403		1,403	Grazing, timbered, and mountainous. 1,403
Lewis and Clark	69,688		69,688	Grazing, hilly, and mountainous. 73,205
Liberty	11,904		11,904	Agricultural, grazing, and hilly. 10,292 4,115
Lincoln	4,966		4,966	Lightly timbered and burned over.
Madison	152,786		152,786	Grazing, hilly, and mountainous. 164,611
McCone	126,721		126,721	Agricultural and grazing. 125,800
Meagher	14,530		14,530	Grazing and hilly. 14,772
Mineral	4,410		4,410	Grazing and mountainous. 4,410
Missoula	31,829	13,160	44,989	Do. 38,794
Park	760		760	Do. 760
Phillips	859,667		859,667	Agricultural and grazing. 832,939
Pondera	9,346		9,346	Do. 10,077
Powell	69,799		69,799	Grazing and mountainous. 71,477
Ravalli	17,369		17,369	Do. 12,769
Richland	31,444		31,444	Agricultural and grazing. 29,599
Roosevelt	32,243		32,243	Do. 30,100 31,320
Sanders	20,047	10,880	30,927	Grazing and mountainous.
Sheridan	9,739		9,739	Agricultural and grazing. 9,289
Silver Bow	44,346		44,346	Grazing, hilly, and mountainous. 44,121
Teton	23,996		23,996	Grazing and hilly. 25,640
Toole	35,833		35,833	Agricultural and grazing.
Valley	732,319		732,319	Do. 722,713 23,608
Wheatland	519		519	Grazing and hilly. 598
Dawson				13,279
Total	3,403,515	76,780	3,480,295	3,399,635
State total	6,097,651	79,280	6,176,931	

5,909,906

Statement showing the unappropriated and unreserved lands by district and county on July 1, 1933—Continued

NEVADA

Land district and county	Area in acres			Character
	Surveyed	Unsurveyed	Total	
Carson City:				2,356,000
Churchill	1,152,434	1,203,195	2,355,629	Mountainous, arid, grazing, little timber.
Clark	1,717,600	746,899	2,464,499	Do. 2,411,000
Douglas	115,028	4,402	119,430	Mountainous, arid, grazing. 119,310
Elko	6,148,963	982,038	7,131,001	Do. 7,045,113
Esmeralda	172,860	751,697	924,557	Mountainous. 931,697
Eureka	1,230,434	874,107	2,104,541	Do. 2,103,621
Humboldt	2,210,157	2,265,635	4,475,792	Do. 2,735,360 4,468,129
Lander	1,797,678	939,145	2,736,823	Do. 6,609,578
Lincoln	2,535,913	4,069,907	6,605,820	Do. 536,914 1,950,026
Lyon	340,246	196,248	536,494	Mountainous, arid, grazing, little timber.
Mineral	1,364,080	584,626	1,948,706	Mountainous, arid, grazing. 9,764,254
Nye	4,239,871	5,366,413	9,606,284	Mountainous, arid, grazing, second growth timber.
Ormsby	25,325	19,980	45,305	Do. 2,546,154 45,305
Pershing	1,944,203	710,081	2,654,284	Mountainous, arid, grazing. 94,726
Storey	93,454	1,272	94,726	Do. 2,640,403
Washoe	2,204,774	433,044	2,637,818	Mountainous, arid, grazing, second growth timber. 4,821,490
White Pine	3,175,937	1,652,631	4,828,568	
Total	30,468,957	20,801,320	51,270,277	51,179,082

NEW MEXICO

Las Cruces:				160,900
Carton	196,132	640	196,772	Grazing, mountainous, mineral.
Chaves	674,309	82,689	756,998	Grazing, agricultural. 700,120
Dona Ana	1,240,646	48,000	1,288,646	Agricultural, arid. 896,880
Eddy	1,019,815	92,160	1,111,975	Do. 1,091,600
Grant	251,333	53,760	305,093	Mountainous, mineral. 367,280 746,430
Hidalgo	593,768	75,840	669,608	Grazing, arid, mineral.
Lea	367,284		367,284	Grazing, agricultural, arid. 377,100
Lincoln	353,250	27,203	380,453	Grazing, mountainous, mineral. 341,500
Luna	622,000	157,040	779,040	Arid, grazing. 723,500
Otero	1,708,301	214,801	1,923,102	Do. 1,940,060
Roosevelt	6,655		6,655	Agricultural. 1,840
Sierra	553,245	32,901	586,146	Mountainous, grazing, mineral. 643,800
Socorro	1,244,324	147,907	1,392,231	Arid, grazing, mountainous, mineral.
Torrance	2,320		2,320	Agricultural, mountainous. 1,361,800
Total	8,833,382	932,941	9,766,323	1,680 9,354,490
Sante Fe:				11,611
Bernalillo	21,967	1,119	23,086	Grazing, agricultural.
Catron	225,683	8,000	233,683	Mountainous, grazing. 180,008
Chaves	62,477	4,847	67,324	Grazing, agricultural. 62,459
Colfax	2,202		2,202	Do. 1,632
Curry	653		653	Do. 853
DeBaca	18,070		18,070	Do. 11,766
Guadalupe	46,839		46,839	Do. 52,628
Harding	559		559	Do. 559
Lincoln	82,105	7,178	89,283	Do. 90,189
McKinley	253,756	60,286	314,042	Mountainous, grazing, coal. 62,109
Mora	6,887		6,887	Do. 3,362
Quay	26,782		26,782	Grazing. 25,806
Rio Arriba	401,227		401,227	Grazing, agricultural, coal. 377,475
Roosevelt	624		624	Grazing. 324
Sandoval	314,017	21,202	335,219	Mountainous, grazing, coal. 246,249
San Juan	817,720	91,317	909,037	Grazing, agricultural, coal.
San Miguel	43,477		43,477	Grazing, agricultural. 34,309 415,568
Santa Fe	68,254	7,958	76,212	Mountainous, grazing, coal. 74,820
Socorro	91,290	5,600	96,890	Do. 85,105
Taos	152,511	2,386	154,897	Mountainous, grazing. 159,215
Torrance	21,386		21,386	Do. 18,115
Union	7,596		7,596	Do. 7,338
Valencia	419,343	16,644	435,987	Do. 372,889
Total	3,085,425	226,537	3,311,962	2,294,389
State total	11,918,807	1,159,478	13,078,285	

11,648,879

Statement showing the unappropriated and unreserved lands by district and county on July 1, 1933—Continued

NORTH DAKOTA

Land district and county	Area in acres			Character On June 30, 1934
	Surveyed	Unsurveyed	Total	
Bismarck:				
Adams	40		40	Grazing. 40
Benson	1,287		1,287	Do. 1,079 19,200
Billings	22,008		22,008	Do.
Bottineau	78		78	Do. 171 23,560
Bowman	24,788		24,788	Do.
Burke	114		114	Do. 225 774
Burleigh	1,080		1,080	Do. 110 440
Cavalier	110		110	Do.
Dickey	307		307	Do. 1,787 7,439
Divide	880		880	Do.
Dunn	10,080		10,080	Do. 1,655 3,920
Emmons	1,484		1,484	Do.
Golden Valley	3,844		3,844	Do. 40 859
Grand Forks	40		40	Do.
Grant	840		840	Do. 1,311 1,110
Kidder	1,025		1,025	Do.
Logan	890		890	Do. 1,154 267
McHenry	932		932	Do.
McIntosh	212		212	Do. 51,110 1,939
McKenzie	50,320		50,320	Do.
McLean	1,430		1,430	Do. 252 187
Mercer	382		382	Do.
Morton	436		436	Do. 2,733 40
Mountrail	2,216		2,216	Do.
Pembina	40		40	Do. 2,307 207
Pierce	2,125		2,125	Do.
Renville	198		198	Do. 98 560
Richland	116		116	Do.
Sargent	520		520	Do. 585 7,942
Sheridan	494		494	Do.
Sioux	8,673		8,673	Do. 5,230 240
Slope	6,540		6,540	Do.
Stutsman	270		270	Do. 565 2,580
Ward	154		154	Do.
Williams	2,348		2,348	Do.
Total	146,301		146,301	141,790

OREGON

Lakeview:				36,948
Crook	36,640		36,640	Grazing. 192,165
Deschutes	173,610		173,610	Grazing, some timber.
Klamath	223,686	10,420	234,106	Do. 132,550 1,863,561
Lake	2,281,560		2,281,560	Do.
Total	2,715,496	10,420	2,725,916	2,225,224
Roseburg:				26,723
Benton	25,833		25,833	Timber, grazing, agricultural. 33,312
Clackamas	33,850		33,850	Hilly, grazing, timber, agricultural.
Clatsop	1,570		1,570	Hilly, grazing. 1,610 3,040
Columbia	4,023		4,023	Hilly, grazing, agricultural.
Coos	42,721		42,721	Timber, grazing. 41,760 40,877
Curry	32,856		32,856	Mountainous, timber.
Douglas	173,386		173,386	Mineral, grazing, timber. 173,945
Jackson	281,229		281,229	Timber, grazing, fruit. 285,918 165,768
Josephine	170,644		170,644	Timber, grazing, mineral.
Klamath	5,560		5,560	Mountainous, timber. 5,360 68,351
Lane	67,572		67,572	Timber, grazing, mineral.
Lincoln	32,856		32,856	Broken, grazing. 27,342 13,946
Linn	13,748		13,748	Hilly, grazing.
Marion	9,685		9,685	Hilly, grazing, timber, agricultural. 8,885
Multnomah	320		320	Hilly, timber. 360
Polk	4,254		4,254	Hilly, grazing, timber, agricultural. 5,248
Tillamook	43,186		43,186	Do. 43,443 2,280
Washington	2,760		2,760	Do.
Yamhill	9,938		9,938	Do. 9,683
Total	955,991		955,991	957,151

Statement showing the unappropriated and unreserved lands by district and county on July 1, 1933—Continued

OREGON—Continued

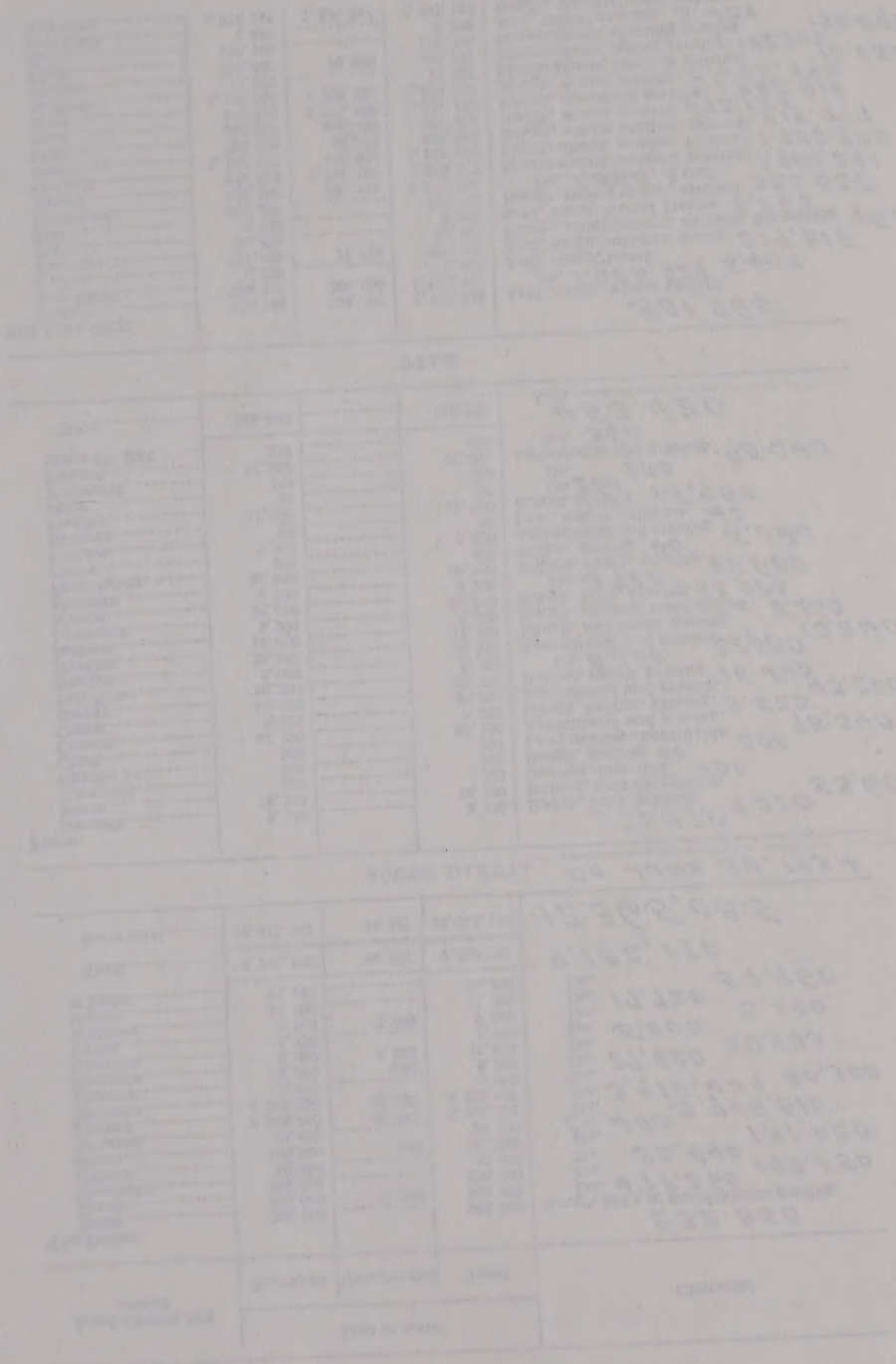
Land district and county	Area in acres			Character
	Surveyed	Unsurveyed	Total	
The Dalles:				232,850
Baker	266,000		266,000	Rough, hilly, or mountainous grazing.
Crook	353,000	7,800	360,800	Do. 479,360
Deschutes	226,000		226,000	Do. 197,550
Gilliam	10,600		10,600	Do. 32,440
Grant	140,800	480	141,280	Do. 131,080
Jefferson	20,400		20,400	26,440
Harney	3,858,560	35,791	3,894,351	Do. 3,946,810
Malheur	4,252,160	28,327	4,280,487	Do. 3,916,447 80,300
Morrow	4,360		4,360	Do.
Sherman	8,680	640	9,320	Do. 27,620
Umatilla	3,080	8,853	11,933	Do. 20,733
Union	1,720		1,720	Do. 5,200
Wallowa	5,360	2,200	7,560	Do. 17,720 8,200.
Wasco	11,200		11,200	Do. 59,960
Wheeler	84,240		84,240	Do.
Total	9,246,160	84,091	9,330,251	9,182,170
State total	12,917,647	94,511	13,012,158	12,365,085

SOUTH DAKOTA On June 30, 1934

Pierre:				581,765
Bennett	8,150		8,150	Rough, hilly, grazing. 9,320
Butte	76,120		76,120	Rolling, broken, grazing. 53,680
Campbell	320		320	Grazing, low, wet. 400
Charles Mix	200		200	Rough, grazing. 00
Clark	200		200	Low, marshy, nontillable. 200
Corson	87,190		87,190	Agricultural and grazing. 78,340
Custer	9,520		9,520	Rough, broken, grazing. 8,520
Dewey	46,680		46,680	Agricultutal and grazing. 43,200
Fall River	20,200		20,200	Rolling, rough, grazing. 16,440
Haakon	8,080		8,080	Do. 8,200
Harding	23,340		23,340	Agricultural and grazing. 22,080 13,040
Jackson	12,520		12,520	Rough, bad lands, grazing.
Lawrence	3,200		3,200	Rough, grazing, some timber. 2,500
Meade	24,510		24,510	Rough, hilly, grazing. 22,020
Mellette	3,900		3,900	Do. 3,720
Pennington	68,950		68,950	Rolling, rough, grazing. 66,680
Potter	400		400	Rough, grazing. 40
Perkins	7,800		7,800	Agricultural and grazing. 5,040
Roberts	80		80	Low, wet, nontillable. 40
Stanley	17,340		17,340	Rough, grazing. 15,960
Sully	80		80	Do. 200
Walworth	280		280	Do. 200
Ziebach	97,260		97,260	Agricultural and grazing. 95,040
Sioux (N.Dak.)	360		360	Do. 360
Total	516,680		516,680	463,420

UTAH

Salt Lake City:				581,765
Beaver	826,149	296,705	1,122,854	Arid, rough, winter grazing.
Box Elder	735,546	286,605	1,022,151	Do. 1,026,607 6,407
Cache	6,988		6,988	Arid, rough, waste.
Carbon	211,623	77,784	289,407	Arid, rough, mineral, waste. 217,816
Daggett	95,401		95,401	Rough, mountainous, suitable for grazing. 96,401
Davis	2,202		2,202	Arid, waste, winter grazing. 2,202
Duchesne	382,493		382,493	Rough, mountainous, mineral. 322,825
Emery	806,560	808,475	1,615,035	Do. 1,565,200
Garfield	642,563	1,328,109	1,970,672	Mountainous, summer grazing. 1,969,291
Grand	1,129,026	626,624	1,755,650	Mountainous, grazing, mineral. 1,750,928
Iron	783,458	40,760	824,218	Rough, winter grazing, mineral. 819,777
Juab	584,893	747,480	1,332,373	Rough, winter grazing. 672,155
Kane	574,612	1,276,560	1,851,172	Rough, mountain grazing. 1,835,816
Millard	1,439,956	1,259,845	2,699,801	Rough, winter grazing. 2,493,790
Morgan	12,927		12,927	Mountainous, summer grazing. 12,258
Piute	130,097	10,880	140,977	Mountainous, spring grazing. 142,282
Rich	180,166		180,166	Mountainous, summer grazing. 176,590
Salt Lake	2,866		2,866	Arid, winter grazing. 3,420
San Juan	1,072,145	1,429,047	2,501,192	Rough, mountainous, mineral. 2,434,312



Statement showing the unappropriated and unreserved lands by district and county on July 1, 1933—Continued

UTAH—Continued

Land district and county	Area in acres			Character
	Surveyed	Unsurveyed	Total	
Salt Lake City—Contd.				
San Pete	128,136		128,136	Rough, mountainous, mineral.
Sevier	127,366	59,703	187,069	Do.
Summit	10,998		10,998	Mountainous, summer grazing.
Tooele	1,601,478	1,931,867	3,533,345	Arid, winter grazing, mineral.
Uintah	1,230,323	170,353	1,400,676	Rough, mountainous, suitable for grazing.
Utah	51,465		51,465	Rough, mountainous, grazing.
Wasatch	26,199		26,199	Mountainous, winter grazing, mineral.
Washington	488,429	132,019	620,448	Rough, mountainous, grazing.
Wayne	414,592	817,280	1,231,872	Do.
Weber	12,268		12,268	Arid, winter grazing.
Total	13,710,925	11,300,096	25,011,021	

WASHINGTON

Spokane:				
Adams	9,526		9,526	Grazing, desert.
Asotin	7,833		7,833	Grazing, mountainous.
Benton	49,990		49,990	Arid, mountainous.
Chelan	31,211		31,211	Grazing, mountainous.
Clallam	3,170		3,170	Mountainous, rough.
Clark	1,120		1,120	Rough, in foothills.
Columbia	457		457	Grazing.
Cowlitz	3,416		3,416	Do.
Douglas	41,123		41,123	Rough, grazing.
Ferry	18,243		18,243	Mountainous, timbered.
Franklin	13,628		13,628	Desert, grazing.
Garfield	1,128		1,128	Grazing, mountainous.
Grant	128,342		128,342	Arid, mountainous.
Grays Harbor	40		40	Rough.
Jefferson	618		618	Hilly, mountainous.
King	3,321		3,321	Rough, mountainous.
Kitsap	40		40	Rough.
Kittitas	34,792		34,792	Arid, mountainous.
Klickitat	27,052		27,052	Grazing, rough, some timber.
Lewis	1,244	80	1,324	Rough, mountainous.
Lincoln	13,728		13,728	Arid, grazing.
Mason	431		431	Rough, broken.
Okanogan	93,550		93,550	Grazing, mountainous.
Pacific	36		36	Rough.
Pend Oreille	41,308		41,308	Mountainous, mineral, timbered.
San Juan	981		981	Rough, broken.
Skagit	1,720	270	1,990	Rough, mountainous.
Skamania	2,201		2,201	Mountainous, broken.
Snohomish	811		811	Rough.
Spokane	564		564	Rough, broken.
Stevens	137,277	1,655	138,932	Grazing, mineral, timbered.
Wahkiakum	120		120	Rough.
Walla Walla	5,208		5,208	Grazing, rough.
Whatcom	2,965		2,965	Hilly, mountainous.
Whitman	1,378		1,378	Rough, broken.
Yakima	29,069		29,069	Arid, grazing, rough.
Total	707,641	2,005	709,646	

WYOMING

Buffalo:				
Big Horn	654,064	32,182	686,246	Grazing, mountainous.
Campbell	144,708		144,708	Grazing, rough, farming.
Converse	1,060		1,060	Do.
Crook	67,562	1,032	68,594	Grazing, rough, farming, timber.
Fremont	3,401		3,401	Do.
Hot Springs	83,534		83,534	Grazing, mountainous, agricultural.
Johnson	252,656	109,064	361,720	Dry farming, rough, rolling.
Natrona	7,860	12,801	20,661	Grazing, rolling, agricultural.
Niobrara	5,442		5,442	Do.
Sheridan	30,830	1,920	32,750	Grazing, mountainous, agricultural.
Washakie	634,549	116,913	751,462	Grazing, mountainous.
Weston	57,405		57,405	Grazing, rolling, farming, timber.
Total	1,943,071	273,912	2,216,983	

Statement showing the unappropriated and unreserved lands by district and county on July 1, 1933—Continued

WYOMING—Continued

Land district and county	Area in acres			Character
	Surveyed	Unsurveyed	Total	
Cheyenne:				
Albany	347,477		347,477	Grazing, mountainous. 338,323
Big Horn	116,428		116,428	Grazing, mountainous, timber, and agricultural. 116,683
Carbon	1,641,269		1,641,269	Mountainous, some timber. 1,708,852
Converse	144,348		144,348	Grazing, dry farming, mountainous. 132,976
Fremont	1,579,710	25,609	1,605,319	Grazing, mountainous, timber. 1,682,881
Goshen	13,914		13,914	Broken, grazing, dry farming. 13,072
Hot Springs	275,646	11,160	286,806	Mineral, grazing, farming, timber. 291,591
Laramie	7,662		7,662	Broken, grazing, dry farming. 6,085
Natrona	930,027		930,027	Grazing, dry farming, mountainous. 803,641
Niobrara	74,292		74,292	Do. 62,434
Park	383,998		383,998	Stone, grazing, farming, timber. 364,563
Platte	42,471		42,471	Broken, grazing, dry farming.
Sublette	56,648		56,648	Mountainous, grazing. 56,024 34,257
Sweetwater	566,897		566,897	Mountainous, grazing, alkaline. 565,696
Washakie	24,799		24,799	Broken, grazing, farming. 26,767
Total	6,205,586	36,769	6,242,355	6,203,845
Evanston:				304,929
Fremont	305,930		305,930	Grazing and alkaline.
Lincoln	736,016	10,940	746,956	Grazing and mountainous. 885,971
Sublette	1,051,118		1,051,118	Do. 1,025,403
Sweetwater	3,090,468	269,777	3,360,245	Grazing and alkaline. 3,141,840
Teton	2,440		2,440	Grazing and timber. 2,620
Uinta	400,997		400,997	Grazing and mountainous. 395,955
Total	5,586,969	280,717	5,867,686	5,756,718
State total	13,735,626	591,398	14,327,024	14,071,022

RECAPITULATION

Statement showing area in acres of the unappropriated and unreserved public lands, as of July 1, 1933

States	Area in acres		
	Surveyed	Unsurveyed	Total
Arizona	6,670,740	6,532,860	13,203,600
California	11,178,869	5,397,594	16,576,463
Colorado	6,664,153	881,620	7,545,773
Idaho	9,162,781	1,347,640	10,510,421
Montana	6,097,651	79,280	6,176,931
Nevada	30,468,957	20,801,320	51,270,277
New Mexico	11,918,807	1,159,478	13,078,285
North Dakota	146,301		146,301
Oregon	12,917,647	94,511	13,012,158
South Dakota	516,680		516,680
Utah	13,710,925	11,300,096	25,011,021
Washington	707,641	2,005	709,646
Wyoming	13,735,626	591,398	14,327,024
Total	123,896,778	48,187,802	172,084,580
Territory of Alaska [1]		346,182,675	346,182,675
Grand total	[1] 123,896,778	[1] 394,370,477	[1] 518,267,255

[1] This total does not include areas remaining undisposed of in the States of Alabama, Arkansas, Florida, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Nebraska, Oklahoma, and Wisconsin, or the area of the vacant and unreserved surveyed public lands in Alaska, which figures, for reasons explained on page 1 of this circular are not available.

UNPERFECTED ENTRIES ON JULY 1, 1933

Statement showing number and area of entries of record upon which "final proof" of compliance with the law is not due or has not yet been presented.]

State and land district	Number of—				
	Homestead entries	Area	Other entries	Area	Total
Arizona: Phoenix	4,400	1,500,256	1,235	574,908	2,075,164
California:					
Los Angeles	2,276	418,207	1,384	304,628	722,835
Sacramento	1,923	668,880	262	92,497	761,377
Colorado:					
Denver	3,333	1,418,231	117	15,164	1,433,395
Pueblo	1,866	598,100	38	4,050	602,150
General Land Office: Washington, D.C	1,137	84,980	149	22,907	107,887
Idaho:					
Blackfoot	2,393	925,774	238	48,128	973,902
Coeur d' Alene	183	33,819	75	200,821	234,640
Montana:					
Billings	5,112	2,043,113	63	5,120	2,048,233
Great Falls	4,862	1,098,192	109	16,933	1,115,125
Nevada: Carson City	524	161,779	402	780,861	942,640
New Mexico:					
Las Cruces	5,318	2,574,312	394	210,069	2,784,381
Santa Fe	4,960	2,035,464	677	316,012	2,351,476
North Dakota, Bismarck	466	77,782	2	1,160	78,942
Oregon:					
Lakeview	267	107,840	7	1,760	109,600
Roseburg	1,589	147,121	28	6,211	153,332
The Dalles	1,354	489,540	186	171,880	661,420
South Dakota: Pierre	1,183	318,280	57	38,800	357,080
Utah: Salt Lake City	2,189	1,060,132	341	65,542	1,125,674
Washington: Spokane	462	91,908	60	79,771	171,679
Wyoming:					
Buffalo	2,870	1,427,269	73	129,163	1,556,432
Cheyenne	5,246	2,417,286	90	11,205	2,428,491
Evanston	805	393,782	58	18,437	412,219
Total	[1] 54,718	20,092,047	[1] 6,045	3,116,027	23,208,074

[1] Such of these entries as may from time to time be canceled of record for failure to submit final proof or for failure to comply with the law will be open to entry by the first qualified applicant, if not withdrawn or reserved.

Vacant lands in closed states on Sept. 1, 1936, according to Baldwin:

	Acres
Alabama	17,505
Arkansas	175,924*
Florida	30,977
Kansas	1,348
Louisiana	4,004
Michigan	5,653
Minnesota	269,451*
Mississippi	7,470
Nebraska	16,889
Oklahoma	11,236
Wisconsin	4,078

* On June 30, 1932 - Baldwin thinks little changed.

U.S. GOVERNMENT PRINTING OFFICE: 1933

74414

Circular No. 1307.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

July 28, 1933.

INSTRUCTIONS RELATING TO FURNISHING DATA
AS TO MILITARY SERVICE IN CONNECTION
WITH FINAL PROOFS.

- - - 0 - - -

Registers and

Special Agents in Charge.

Gentlemen:

Circular No. 340 dated August 1, 1914, as amended by circular dated February 29, 1928, directs the furnishing to Special Agents in Charge, of copies of all protested proofs on homestead and desert land entries and copies of the final proof testimony of the claimant in connection with stock-raising homestead entries.

Hereafter in furnishing such copies, when credit is claimed for military service in lieu of residence, the register will also furnish all data relating to such service. This data should include the name of the organization, the dates of enlistment and discharge and whether regularly discharged; if discharged for disability whether it was incurred in line of duty and if regularly discharged, whether the claimant is drawing compensation for service connected disability.

In cases where this information is furnished by the claimant at time of making homestead application the register should make full notation of the details on his records so that at time of final proof it will not be necessary again to call on the entryman for the evidence or to request a copy of the record from this office.

If the data is not in the record when final proof is submitted it should be required of the entryman in order to determine whether the proof is acceptable and for the use of the special agent.

Very respectfully,

FRED W. JOHNSON,

Commissioner.

Approved: July 28, 1933.

(Sgd.) OSCAR L. CHAPMAN,

Assistant Secretary.

Circ. 1307

74462

Circular No. 1308

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

August 5, 1933.

CIRCULAR NO. 354 RELATIVE TO SECOND HOMESTEAD AND DESERT LAND ENTRIES AND CIRCULAR NO. 474, RELATIVE TO DESERT LAND ENTRIES, AMENDED.

- - - 0 - - -

Registers,
United States Land Offices,
and Special Agents in Charge.

Gentlemen:

Circular 354 of September 26, 1914 (43 L. D. 408), and Circular 474 of May 20, 1924 (revised December 18, 1928), containing regulations under the act of September 5, 1914 (38 Stat. 712), entitled "An Act providing for Second Homestead and Desert Land Entries," are hereby amended to provide for a report by the proper Special Agent in Charge on the applicant's qualification to make a second entry.

In connection with an application for a second homestead or desert land entry, the Register will act upon the same as usual. Such applications, however, must not be allowed by the Registers, but must be forwarded by them, with appropriate recommendations, to the Special Agent in Charge of the district. Report and recommendation as to the applicant's qualification to make the second homestead or desert land entry must be made by the Special Agent in Charge to the Commissioner of the General Land Office, such report to be made in the case of desert land applications at the same time the Special Agent reports under paragraph 13 of said Circular 474. If the Commissioner should find that the applicant is qualified to make a second homestead or desert land entry and that the application is otherwise an allowable one, the application will be returned to the Register for appropriate action.

Hereafter, you will report on Form 4-030 with respect to all second homestead and desert land applications and in the event that such an application is withdrawn prior to receipt, by the Register, of notice of action on the application by the Commissioner, the Register will make prompt report to the General Land Office, likewise to the Special Agent in Charge, concerning such withdrawal.

Very respectfully,

FRED W. JOHNSON,

Commissioner.

Approved: August 5, 1933.

(Sgd.) OSCAR L. CHAPMAN,

Assistant Secretary.

Circ. 1308

Circular No. 1309

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

June 10, 1933.

COAL TRESPASS REGULATIONS

- - - 0 - - -

Amended - See Circ. 1599 + 1698 + 1614

Special Agents in Charge,
and
Registers, United States Land Offices.

Gentlemen:

The following regulations will hereafter govern the matter of trespass in coal cases, where the applicant has not been granted a coal permit, lease, or license, and no equities are involved by reason of occupation or improvement of the land prior to the passage of the Leasing Act:

(1). Trespass. All coal mined either under a pending application for permit, lease, or license, or without such pending application, is a trespass and the coal so mined must be settled for on a trespass basis. However, where a permittee applies for a lease, the mining of coal by him under his permit, prior to the issuance of the lease, does not constitute a trespass.

(2). Successful Bidder. The successful bidder at public sale for a coal leasing unit does not acquire any right to mine coal until he has complied with all the formalities required by the regulations, including the furnishing of a bond, and a lease has been issued to him. Coal mined by such applicant prior to the date of the issuance of a lease is in trespass and must be paid for on a trespass basis.

Amended by Circ. 1366 & 1614

(3). Measure of Damage. The law of the State in which the trespass is committed governs, if there is such law. Sam W. Mason, et al. vs. United States (260 U. S. 545). In the absence of a State law the measure of damage will be determined as follows:

(a) For innocent trespass, payment must be made for the value of the coal in place before severance. United States vs. Homestake Mining Company (117 Fed. 481). In no event should less than 25 cents per ton be demanded in settlement.

(b) For wilful trespass, payment must be made for the full value of the coal at the time of conversion, without deduction for the labor bestowed or expense incurred in removing and preparing the coal for market. United States vs. Ute Coal and Coke Company (158 Fed. 20).

(4). Action Required. Where coal is being mined in trespass as herein stated, the Special Agent in Charge will take steps to put an immediate stop to such mining and to collect damages for the coal mined.

(5). Surface Owner. The owner of land patented with a reservation of the coal deposits, either under the act of March 3, 1909 (35 Stat.844), or under the act of June 22, 1910 (36 Stat. 563), has the right to mine coal for use upon the land for domestic purposes at any time prior to the disposal by the United States of the coal deposits.

(6). Former Instructions. The instructions contained in Circulars Nos. 955, 1135, and 1239, are revoked, in so far as they are inconsistent herewith.

Very respectfully,

FRED W. JOHNSON.

Commissioner.

I concur:

W. C. MENDENHALL
Director, Geological Survey.

I concur:

(Signed) LOUIS R. GLAVIS
Director of Investigations.

Approved: Aug. 17, 1933.

(Signed) T. A. WALTERS
First Assistant Secretary.

Circular No . 1310

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

August 19, 1933

REGULATIONS PERTAINING TO
SECTION 17, ACT OF NOVEMBER
9, 1921 (42 STAT. 212).

Registers,
U. S. Land Offices.

Sirs:

Reference is had to tracings and duplicates filed under section 17 of the act of November 9, 1921 (42 Stat. 212), showing public highway rights of way desired by the various State Highway Departments. Heretofore the tracings have been filed direct with this office by the Department of Agriculture acting in behalf of the State Highway Departments, although it is the practice of some of the Highway Departments to have the local land offices certify the tracings as to the correctness of the designation thereon of public lands before sending the tracings to the Bureau of Public Roads, Department of Agriculture.

Hereafter these tracings, which are considered applications for public highway rights of way, will be treated in the same manner as right of way applications filed under other acts and will be assigned serial numbers, posted on your tract books, and forwarded to this office in the usual manner. These tracings and duplicates should both be stamped with the serial number, but the duplicates should be returned to the State Highway Departments which will forward them to the Bureau of Public Roads for submission to the Secretary of Agriculture. Under the act it is necessary for the Secretary of Agriculture to determine that the lands are necessary for the rights of way.

No applications will be received by you under the said section 17 for rights of way lying entirely within a national forest or an Indian reservation.

Very respectfully,

FRED W. JOHNSON,

Commissioner.

Approved: August 19, 1933
(Sgd) T. A. WALTERS,
First Assistant Secretary.

R: 1310

STATE OF MONTANA
HIGHWAY COMMISSION
HELENA

RIGHT OF WAY DEPARTMENT
October 26, 1933

RECEIVED
U. S. LAND OFFICE
BILLINGS, MONTANA
Date OCT 28 1933
Hour

STATE HIGHWAY COMMISSION
O. S. WARDEN, GREAT FALLS, CHAIRMAN
J. H. ROWE, BUTTE
L. J. CROONENBERGHS, MISSOULA

R. D. RADER, STATE HIGHWAY ENGINEER
W. O. WHIPPS, ADMINISTRATIVE ENGINEER AND SECRETARY

IN REPLYING REFER TO 6

Mr. Harry W. Hill,
Register,
United States Land Office,
Billings, Montana.

Dear Mr. Hill:

We have your letter of October 25, in connection with the application which we submitted for rights of way over public land east of Glendive.

Heretofore we have understood that no action was necessary in connection with obtaining rights of way for highways over public lands, and our belief was based upon Section 2477 of the Revised Statutes of the United States, which you quote in your letter.

However, recently we received a copy of Circular No. 1310 from the General Land Office, Washington, a copy of which is enclosed for your information. This circular seemed to indicate that affirmative action was necessary upon our part to obtain rights of way over public land, and we wrote to the Register, United States Land Office at Great Falls, sending a copy of the circular. The Register replied, saying that it was his opinion that it would now be necessary for us to make application, sending duplicate tracings on linen and blue-prints. This we have done in the present case.

As Mr. Nicholson, Register at Great Falls, had not received a copy of the circular, we believe that none may have been sent you, and we are, therefore, asking your opinion upon the revised information which we transmit herewith.

Yours very truly,

STATE HIGHWAY COMMISSION OF MONTANA,

By A. G. Swaney, Right of Way Agent.

Encl.
cpy Circular No. 1310

AGS-MR

STATE OF MONTANA

HIGHWAY COMMISSION

HELENA

STATE HIGHWAY COMMISSION
C. S. WARDEN, HARRY FALLS, CHAIRMAN
J. H. ROWE, BUTTE
[redacted]
L. J. CROONENBERG, HELENA

81398

Circular No. 1311

(Supersedes Circulars 1269 and 1288)

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

August 22, 1933.

Extensions of time for homestead and desert land proofs under act of June 16, 1933 (Public No. 76, 73rd, Congress).

- - - 0 - - -

Registers,

United States Land Offices.

Sirs:

The act of June 16, 1933 (Public No. 76, 73rd Congress), amended the act of May 13, 1932 (47 Stat. 153), to read as follows:

> "That the Secretary of the Interior is hereby authorized to extend for not exceeding two years the period during which annual or final proof may be offered by any person who has a pending homestead or desert-land entry upon public lands of the United States on which at the date of this Act or on any date on or prior to December 31, 1934, under existing law, annual or final proof is required, showing residence, cultivation, improvements, expenditures, or payment of purchase money as the case may be: Provided, That any such entryman shall be required to show that it is a hardship upon himself to meet the requirements incidental to annual or final proof upon the date required by existing law due to adverse weather or economic conditions: And provided further, That this Act shall apply only to cases where adequate relief is not available under existing law.
>
> "Sec. 2. The Secretary of the Interior is authorized to make such rules and regulations as are necessary to carry out the purposes of this Act."

1. The said act authorizes the Secretary of the Interior, on sufficient showing, to extend for not exceeding two years from the date of the act annual or final proofs then overdue. In the case of annual or final proofs becoming due subsequent to the date of the act and on or before December 31, 1934 an extension may be granted for not exceeding two years from the time the proofs become due.

2. Relief may not be granted under this act if adequate relief is available under other laws and it will not be granted in cases where entrymen have not complied with the law sufficiently to enable them to make acceptable proof within the period of such extension as may be granted.

3. An extension under the act will be limited to such period as the entryman shows is reasonably necessary to enable him to make proof and payment, not exceeding two years.

4. The fact that relief has been granted under the act of May 13, 1932 as originally enacted will not prevent the granting of further relief under that act, as amended, where the former relief is not adequate.

5. The act is construed not to authorize an extension of time for proofs and payments on homestead or desert land entries in former Indian Reservations, where, under existing law, the payments when made are required to be deposited in the Treasury to the credit of the Indian tribes for whose benefit the lands are to be disposed of.

6. Application for an extension of time must be filed, in affidavit form, duly corroborated, showing:

(a) The entryman's name and present address.

(b) The serial number of the entry and the land office at which it was made or a description of the land embraced in the entry by legal subdivision, section, township and range numbers.

(c) Why proof was not made or cannot be made as required by law. If the entryman has not been or will not be able to make proof of payment as required by law because of adverse weather or economic conditions the facts relative theretc should be set forth in full.

(d) The extent to which the entryman has complied with the law in the matter os residence, cultivation, improvements, expenditures, reclamation, payments, etc. The actual dates from which and to which the entryman has resided on the land should be given, where residence has been maintained, and the character and value of the improvements made on the land, and when they were placed on the land, should be shown.

(e) The earliest date on which the entryman believes he will be able to make proof or payment.

7. If such application is allowed, it will operate as a stay during the period for which the extension is granted against contest based upon the charge that the entryman has failed to comply with the law in the matter of residence, cultivation or improvements, prior to the filing of the application for extension, in the absence of fraud in procuring the same.

8. You will transmit all applications under the act to this office by special letter and advise each of the applicants that when action has been taken by this office on his application he will be advised thereof through your office.

Very respectfully,

Fred W. Johnson,

Commissioner.

Approved: August 22, 1933.

(Sgd.) Oscar L. Chapman,

Assistant Secretary.

Circular No. 1314.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

October 30, 1933.

Obsolete - Replaced by Circ. 1788

Coal land regulations (Circular 679) amended-
Limited licenses to mine coal.

Registers,

United States Land Offices.

Sirs:

Section 8 of the act of February 25, 1920 (41 Stat. 437) authorizes the Secretary of the Interior to issue under such regulations as he may prescribe in advance limited licenses to individuals and associations to mine and take coal from the public lands for their own use without payment of rents or royalties.

In order that the purpose of this provision may be made use of to the fullest extent during the national emergency and government-owned coal made more easily available for relief, authority may be granted by the Secretary of the Interior to the recognized established relief agency of any State, upon its request, to take government-owned coal deposits within the State in localities where needed to supply families on the rolls of such agency who require coal for fuel for their homes and who are unable to pay for same.

The State agency may, directly or through its county branches, designate the lands to be mined in tracts of not more than 40 acres, by legal subdivisions if surveyed, of vacant public lands, or lands in which the coal deposits are owned by the United States, provided arrangements are made with the surface owner for protection from damage to his crops and improvements on the land. Such tracts shall be selected at points convenient to supply the families in the locality thereof, and each family shall be restricted to the amount of coal actually needed for its use, which in no case shall exceed 20 tons.

Coal may be taken from such tracts only by those given written authority by the relief agency, and all mining shall be done pursuant to permission and under the supervision of the county relief agency or such other agent as the State relief agency may provide, and all Federal and State laws and regulations for the safety of miners, prevention of fires and of waste, etc., shall be observed. The relief agency shall see that the premises are left in a safe condition for future mining operations.

The local relief agency may take coal from available land prior to issuance of license, but, within 5 days after commencement of removal of coal therefrom, shall file in the local U. S. land office of the district wherein the land is sit-

uated an application for license which shall be forwarded with appropriate recommendations by the register to the Commissioner of the General Land Office, who will report to the Department whether the records of his office show any objections to granting the license. If no such objections appear and if the application is otherwise regular, a license will be granted as provided by existing regulations. Payment of filing fees will not be required. Pending action on the application for a license, the relief agency may continue to take the coal.

Very respectfully,

FRED W. JOHNSON,

Commissioner.

Approved: October 30, 1933.

(Sgd) HAROLD L. ICKES,

Secretary.

Cir Cir 1840

80022

Circular No. 1316

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

RECEIVED
U.S. LAND OFFICE
BILLINGS, MONTANA
Date JAN 10 1934
Hour

January 5, 1934.

OIL AND GAS REGULATIONS AMENDED
FORM OF PERMIT REVISED
CIRCULAR NO. 1111 MODIFIED.

Cir 1355

Registers,

United States Land Offices.

Sirs:

The form of prospecting permit prescribed by Section 6 of the oil and gas regulations, Circular No. 672 (47 L.D. 437), as revised in April, 1932 (Form 4-208b) is hereby amended by changing paragraph No. 7 thereof to read as follows:

7. As to any lands covered by this permit within the area of any Government reclamation project or in proximity thereto, take such precautions as required by the Secretary to prevent any injury to lands susceptible of irrigation under such project or to the water supply thereof: Provided, That drilling is prohibited upon any constructed works or right of way of the Bureau of Reclamation, and provided further, that there is reserved to the United States, its successors and assigns, the superior right at all times to construct and operate and maintain reclamation works in which construction, operation, and maintenance, the United States, its successors and assigns, shall have the right to use any or all of the lands herein described without making compensation therefor, and shall not be responsible for any damage resulting from such construction or operation and maintenance, including damage from the presence of water thereon or on account of ordinary, extraordinary, unexpected or unprecedented floods; and nothing shall be done under this permit to increase the cost of or interfere in any manner with the construction or operation and maintenance of such works.

Circ. 1316

Until the supply of permit forms now on hand is exhausted, only permits for lands any part of which is within a reclamation project will be issued on the amended form.

Circular No. 1111, approved February 21, 1927 (52 L.D. 40) is hereby modified to provide that the bond required thereby where any part of the land embraced in the permit constitutes a portion of a reclamation project will not be required prior to issuance of the permit, nor until the permittee shall give notice to the oil and gas supervisor of his intention to drill and submit his drilling plan for approval together with the $5,000 drilling bond. Such drilling bond may be also conditioned on the protection of the reclamation project, or an additional bond may be required of the permittee in such amount as determined to be necessary for the purpose of the bond.

You will give such publicity hereto as may be possible without expense to the Government.

Fred W. Johnson,
Commissioner.

I concur,

W. C. Mendenhall,
Director Geological Survey.

Approved, January 5, 1934.

F. A. Walters,
First Assistant Secretary.

80061

RECEIVED
U.S. LAND OFFICE
BILLINGS, MONTANA
Date Jan. 22, 1934
Hour

Circular 1317

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

December 9, 1933.

1515117 "L" GGF

Measure of damage in
timber trespass cases.

The Secretary

of the Interior.

Sir:

Circular No. 881, approved by the Department March 14, 1923 (49 L. D. 484) directs that thereafter in timber trespass cases the law of the State in which the trespass is committed shall fix the measure of damage therefor. In the absence of State law, the amount of liability is fixed by the rules of the Supreme Court of the United States in the case of Wooden-ware Company v. United States (106 U. S. 432).

The State laws relating to innocent timber trespass have generally been construed to fix the liability of an innocent trespasser and the liability of an innocent purchaser from an innocent trespasser, and such laws relating to wilful timber trespass have generally been construed to fix the liability of a wilful trespasser and the liability of a wilful purchaser from a wilful trespasser.

Heretofore this office has held that the liability of an innocent purchaser from a wilful trespasser is not governed by State laws, which laws do not in terms refer to purchasers, but is fixed by Rule 3 of the rules set forth in the Wooden-ware decision. However, upon careful consideration of the applicable laws and decisions, this office is of the opinion that such holding is not correct, and that where the State law prescribing the penalty for wilful trespass may be construed to fix the liability of a wilful purchaser, such law should be held to also fix the liability of an innocent purchaser.

The liability of an innocent purchaser from a wilful trespasser under Rule 3 of the rules in the Wooden-ware decision is the amount which he pays for the timber. This frequently includes the cost of delivery to distant points. The penalties usually prescribed by State law are single damages for innocent trespass and double damages for wilful trespass. In Oregon the penalty is double damages for innocent trespass and treble damages for wilful trespass (Secs. 5-306 and 5-307, Oregon Code 1930, amended, 1931). Such penalties may be much less than

Cir. 1317

Circular 1917

DEPARTMENT OF THE INTERIOR
General Land Office
Washington

December 6, 1917.

LIABILITY "F" ORP

Persons of Danger in
Timber Trespass Cases.

The Secretary

of the Interior.

Sir:

Circular No. 681, approved by the Department March 14, 1908 (40 L. D. 484) directs that thereafter in timber trespass cases the law of the State in which the trespass is committed shall fix the measure of damage therefor. In the absence of State law, the amount of liability is fixed by the rules of the Supreme Court of the United States in the case of Bridges-Wyatt Company v. United States (102 U. S. 429).

The State laws relating to innocent timber trespass have generally been construed to fix the liability of an innocent trespasser and the liability of an innocent purchaser from an innocent trespasser, and such laws relating to wilful timber trespass have generally been construed to fix the liability of a wilful trespasser and the liability of a wilful purchaser from a wilful trespasser.

Therefore this office has held that the liability of an innocent purchaser from a wilful trespasser is not governed by State laws, unless laws do not in terms refer to purchasers, but is fixed by Rule 3 of the rules set forth in the Bridges-Wyatt decision. Before, upon careful consideration of the applicable laws and decisions, this office is of the opinion that such holding is not correct, and that where the state law prescribing the penalty for wilful trespass puts any be construed to fix the liability of a wilful purchaser, such law should be held to also fix the liability of an innocent purchaser.

The liability of an innocent purchaser from a wilful trespasser under Rule 3 of the rules in the Bridges-Wyatt decision is the amount which he may pay for the timber. This frequently involves the cost of delivery to distant points. The State laws generally provide by statute for the liability for innocent trespass and double damage for wilful trespass. In Oregon, double damage for innocent trespass and treble damage for wilful trespass (Deva. & B. and B-207, Oregon Code 1920, annotated, 1921). Such penalties may be much less than

1515117 "L" GGF

the amount of the liability of an innocent purchaser from a wilful trespasser under Rule 3 of the Wooden-ware decision. It seems illogical and unjust that in any case an innocent purchaser from a wilful trespasser should be held liable to the Government for a greater sum than the penalty prescribed by the State law for the wilful trespass.

Accordingly, it is recommended that hereafter in timber trespass cases where demand for settlement is made on an innocent purchaser from a wilful trespasser, and the State law prescribing the penalty for wilful trespass may be construed to fix the liability of a wilful purchaser, such law shall be held to also fix the liability of the innocent purchaser.

Very respectfully,

FRED W. JOHNSON,

Commissioner.

Approved, Dec. 13, 1933

T. A. WALTERS,

First Assistant Secretary.

Circular 1318.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

February 1, 1934.

Obsolete — Replaced by Circ. 1788

: Instructions.

Registers,

United States Land Offices:

Gentlemen:

January 24, 1934, the Secretary of the Interior issued certain instructions concerning applications for coal leases by competitive bidding and applications for prospecting permits and directed that favorable recommendations for the issuance of leases and prospecting permits be made only in cases where a satisfactory showing is made that there is actual need for coal which cannot otherwise be reasonably met.

Attention is directed to that part of the coal leasing regulations, paragraph 9 of Circular 679, which requires that any person, association of persons, or corporation applying for a coal lease shall submit a statement of the general situation of the land with respect to other mines, its topography, outlet to market and transportation facilities.

Many applications for coal leases are received in this office which do not contain a statement in accord with the above, and it has been found for various causes that many of the present lessees are unable to comply with the minimum tonnage required by their leases, and numerous requests are made for relief under this requirement, as well as relief in the matter of payment of annual rental.

In cases hereafter, this office will make favorable recommendation that leasing units be segregated and that auctions be authorized only in cases where there has been furnished a satisfactory showing that an additional coal mine is needed and that there is an actual need for coal which cannot otherwise be reasonably met.

Since coal prospecting permits are issued for the express purpose of determining the extent and workability of the coal deposits with a view to granting a preference right mining lease if and when it has been demonstrated that a commercial deposit of coal has been discovered, it is essential that permit applicants furnish, as pertinent to section 22-D of the regulations, similar information.

(over)

Therefore, in the future, when a petition for a lease or an application for a permit is filed, you will examine the papers filed and if the showing furnished with regard to the matters outlined herein is not deemed sufficient, you will require additional evidence.

You will, therefore, as far as possible, in advising the public with regard to coal leases and permits, and in explaining to inquirers the provisions of the coal leasing circular emphasize the matters stated above.

Very respectfully,

(Sgd) Fred W. Johnson,
Commissioner.

Circular No. 1320

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

March 29, 1934.

Simultaneous applications for oil and gas prospecting permits.

Registers,

United States Land Offices.

Sirs:

The rules with regard to preference rights under applications filed simultaneously stated in the case of Bumpers v. Holloway (48 L.D. 269), and the cases there cited with approval, have not been found satisfactory in their application to oil and gas prospecting permit cases. Accordingly, these rules will not be followed in the future, but instead the following instructions will govern your action in the disposition of conflicting applications for oil and gas prospecting permits:

> In case two or more applications are received in the same mail, or are presented at your counter so nearly at the same time as may be considered simultaneous, or when one or more applications are received by the same mail and one or more are presented at the counter at the time those are received by mail, which applications conflict in whole or in part, and in which no preference rights are claimed, the applications so received will be considered as filed simultaneously and the right of priority of filing will be determined by a public drawing in the manner provided under paragraph 4 of the instructions of May 22, 1914 (43 L.D. 254).
>
> The drawing will be held on the seventh day after the day the applications were filed unless such day falls on a holiday, in which case the drawing will be held on the following day. No notice to the applicants that a drawing will be held or the date thereof will be required.

You will issue your official receipt for the fees paid by each applicant, but will return by your official check the fees paid by the unsuccessful applicants, noting on the abstract of moneys returned or applied opposite the check number, the word "drawing". Also note on the oil and gas applications the word "drawing", and the date, amount and number of the check.

At the completion of a drawing, furnish this office a list of the applications involved therein showing: (1) date of drawing, (2) description of the land involved, (3) names of successful applicants and serial numbers of applications, and (4) names of unsuccessful applicants and serial numbers of their applications.

Very respectfully,

FRED W. JOHNSON,

Commissioner.

Approved, March 29, 1934.

T. A. WALTERS,

First Assistant Secretary.

Circular No. 1320a

DEC 22 1939

DEC 22 1939

REGULATIONS GOVERNING SIMULTANEOUS APPLICATIONS UNDER THE MINERAL LEASING LAWS

Obsolete - See Circ. 1781

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Regulations amended. Circular 1320, dated March 29, 1934, instructions governing simultaneous applications for oil and gas prospecting permits, was incorporated into the Code of Federal Regulations as Sec. 192.26. In order that the instructions may govern the disposition of conflicting applications for leases, permits and licenses filed pursuant to regulations under the mineral leasing acts, this regulation is hereby amended to read as follows:

Sec. 191.14. Determination of priority. In case two or more applications are received in the same mail, or are presented at the counter by persons present at the land office at the same time for the purpose of filing their applications, or when one or more applications are received by the same mail and one or more are presented at the counter when the mail is received, which applications conflict in whole or in part, and in which no preference rights are claimed, the applications so received will be considered as filed simultaneously and the right of priority of filing will be determined by a public drawing in the manner provided by Circular No. 324, dated May 22, 1914, 43 L. D. 254 (Sec. 295.8). Applications received through the mail after the close of business on a particular day and those received through the mail prior to the opening of the land office on the next succeeding business day, will be considered as having been filed at the opening of business on such next succeeding day.

The drawing will be held on the seventh day after the day the applications were filed unless such day falls on a holiday, in which case the drawing will be held on the following day. No notice to the applicants when a drawing will be held will be required, but the register will post notice thereof in a conspicuous place in his office for a period of five days prior to the date set for the drawing.

The register will issue his official receipt for the fees paid by each applicant and will arrange for the return of the

Cir 1320a

fees paid by the unsuccessful applicants, noting on the abstract of moneys returned or applied opposite the refund voucher number, the word "drawing". He will note on the applications the word "drawing", and the date, amount and number of the voucher.

At the completion of a drawing, the register will furnish the General Land Office a list of the applications involved therein showing: (a) date of drawing, (b) description of the land involved, (c) names of successful applicants and serial numbers of applications, and (d) names of unsuccessful applicants and serial numbers of their applications.

/s/ Fred W. Johnson

Commissioner.

Approved: DEC - 8 1939

/s/ W. C. Mendenhall

Acting Under Secretary.

(These regulations are issued under the authority contained in Sec. 32, 41 Stat. 450; Sec. 5, 44 Stat. 302, Sec. 5, 44 Stat. 1058; 30 U.S.C., 189, 275, 285.)

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Absolete - See Circ 1843

Circular No. 1323.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

April 24, 1934

: Relief in Desert-land entries.
: Act of February 14, 1934.

Registers,

United States Land Offices.

Gentlemen:

Your attention is directed to the act of February 14, 1934 (Public No. 89, 73d Congress), entitled "An Act To amend an Act approved March 4, 1929 (45 Stat. 1548), entitled 'An Act to supplement the last three paragraphs of Section 5 of the Act of March 4, 1915 (38 Stat. 1161), as amended by the Act of March 21, 1918 (40 Stat. 458)'", which provides:

> "That where it shall be made to appear to the satisfaction of the Secretary of the Interior with reference to any lawful pending desert-land entry made prior to July 1, 1925, under which the entryman or his duly qualified assignee under an assignment made prior to the date of this Act has in good faith expended the sum of $3 per acre in the attempt to effect reclamation of the land, that there is no reasonable prospect that he would be able to secure water sufficient to effect reclamation of the irrigable land in his entry or any legal subdivision thereof, the Secretary of the Interior may, in his discretion, allow such entryman or assignee ninety days from notice within which to pay to the register of the United States land office 25 cents an acre for the land embraced in the entry and to file an election to perfect title to the entry under the provisions of this Act, and thereafter within one year from the date of filing of such election to pay to the register the additional amount of 75 cents an acre, which shall entitle him to a patent for the land: Provided, That in case the final payment be not made within the time prescribed the entry shall be canceled and all money theretofore paid shall be forfeited."

This act applies to all pending desert-land entries made prior to July 1, 1925, under which the entryman or his duly qualified assignee under an assignment made prior to the date of this act has in good faith expended the sum

of $3 per acre in the attempt to effect reclamation of the land and where there is no reasonable prospect that he would be able to secure water sufficient to effect reclamation of the irrigable land or any legal subdivision thereof.

Desert-land entries made prior to March 4, 1915, and pending February 14, 1934, are entitled to the relief granted by the act of March 4, 1915, as amended, or by the provisions of this act. Desert-land entries made since March 4, 1915, and prior to July 1, 1925, and pending February 14, 1934, are entitled only to the relief provided for in this act.

In all applications for relief of desert-land entries made prior to March 4, 1915, it should be specifically stated whether the relief is sought under the provisions of the act of March 4, 1915, or under the provisions of said act of February 14, 1934.

The showing as to the right to such relief must be the same as that required by paragraph 35 of the current desert-land Circular No. 474 (50 L. D. 443, 466), revised December 18, 1928. Applications for relief hereunder must be filed in the local land office for the district in which the land embraced in the particular entry is situated, and, after examination by the Register as to statement of facts required by paragraph 35 of the said Circular No. 474, and, where necessary opportunity given applicants to supply data to cure defects, referred to the Special Agent in Charge, Division of Investigations, for investigation and report. All reports by the Special Agent in Charge upon applications for relief under the provisions of this act should be made to the Commissioner of the General Land Office through the Director, Division of Investigations.

When any application for relief under the provisions of this act shall have been approved by the Commissioner, notice, by registered mail, will be served through the proper local land office upon the claimant, of such approval; that he will be allowed 90 days from date of receipt of such notice within which to pay to the register 25 cents an acre for the land embraced in the entry and to file an election to perfect title to the entry under the provisions of this act, and that if he fails within the time allowed to make said initial payment of 25 cents per acre, the entry will be canceled; that he will be allowed one year from the date of the filing of such election to pay the register the additional amount of 75 cents an acre; and that, in case the final payment be not made within the time prescribed, the entry will be canceled and all money theretofore paid will be forfeited.

Should any claimant fail to pay said 25 cents per acre and file said election within the 90-day period, the register will report such facts to the Commissioner, together with evidence of service of notice, whereupon the approved application for relief and the entry will be canceled and the case closed without further notice. Copies of all such letters closing the case will be forwarded by this office to the Special Agent in Charge of the District where the land is located.

To perfect title to the entry, the claimant shall file with the register a notice of intention to do so, and the register will order the publication thereof in the same manner as to other desert-land cases and in substantially the following form.

Department of the Interior,
U. S. Land Office at .....
.....19 .....

Notice is hereby given that .....,
of .....who, on .....19 .... made desert-land entry, No.....for.....Section .....
Township ..... Range .....Meridian, has filed notice of his intention to complete the purchase of said land under the provisions of the act of February 14, 1934.

Any and all persons claiming adversely the above-described land or desiring for any reason to object to the completion of the purchase and final entry thereof by the applicant, should file their affidavits of protest in duplicate in this office during the 30-day period of publication immediately following the first printed issue of this notice, otherwise the application may be allowed.

.....Register.

Publication, proof thereof and the required additional payment of 75 cents per acre should be made within one year from the date of the filing of the above-mentioned election, it being expressly stated in said act of February 14, 1934, that said additional payment of 75 cents per acre should be paid within one year from the date of the filing of the election to perfect title to the entry under said act, with the proviso "That in case the final payment be not made within the time prescribed, the entry shall be canceled and all money theretofore paid shall be forfeited." There is no provision of law whereby extension of time to make this payment may be granted.

These acts having been performed, and there being no protest, contest, or other objection, the register will issue the final certificate and transmit it to the General Land Office with the regular returns.

Where relief has heretofore been granted in desert-land entries made prior to March 4, 1915, and such entries are intact upon the records claimants may, if they so desire, take advantage of the provisions of this act.

Where relief has been granted in desert-land entries under the original act of 1929 and prior to February 14, 1934, date of passage of act amendatory thereof, and such entries are intact upon the records of this office and all of the payments required to be made by said original act of 1929 have not been completed prior to the date of said amendatory act, in all such cases the total amount to be collected of such entrymen as a condition precedent to the patenting of their entries will be at the rate of $1 per acre, instead of $2.

Except as herein set forth, all legislation relating to the relief of desert-land entries and the regulations issued thereunder are in full force and effect.

Very respectfully,

Approved: April 24, 1934.

FRED W. JOHNSON,
Commissioner.

(Sgd.) T. A. WALTERS,
First Assistant Secretary.

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UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

May 29, 1934.

Suspending annual assessment work on mining claims. Act of May 15, 1934, Public No. 226.

Registers,

U. S. Land Offices.

Sirs:

For your information, and in order that you may inform inquirers relative thereto, your attention is called to the act of May 15, 1934, Public No. 226, providing for the suspension of annual assessment work on mining claims held by location in the United States and Alaska, and reading as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provision of section 2324 of the Revised Statutes of the United States, which requires on each mining claim located, and until a patent has been issued therefor, not less than $100 worth of labor to be performed or improvements aggregating such amount to be made each year, be, and the same is hereby, suspended as to all mining claims in the United States, including Alaska, during the year beginning at 12 o'clock meridian July 1, 1933, and ending at 12 o'clock meridian July 1, 1934: Provided, That the provisions of this Act shall not apply in the case of any claimant not entitled to exemption from the payment of a Federal income tax for the taxable year 1933: Provided further, That every claimant of any such mining claim, in order to obtain the benefits of this Act, shall file, or cause to be filed, in the office where the location notice or certificate is recorded, on or before 12 o'clock meridian, July 1, 1934, a notice of his desire to hold said mining claim under this Act, which notice shall state that the claimant, or claimants, were entitled to exemption from the payment of a Federal income tax for the taxable year 1933: And provided further, That such suspension of assessment work shall not apply to more than six lode-mining claims held by the same person, nor to more than twelve lode-mining claims held by the same partnership, association, or corporation: And provided further, That such suspension of assessment work shall not apply to more than six placer-mining claims not to exceed one hundred and twenty acres (in all) held by the same person, nor to more than twelve placer-mining claims not to exceed two hundred and forty acres (in all) held by the same partnership, association, or corporation."

Attention is called to the fact that this Act applies only to claimants who are exempt from the payment of a Federal income tax for the taxable year 1933, and who file on or before 12 o'clock noon July 1, 1934, in the office where the location notice or certificate is recorded, a notice of their desire to hold the claims under the Act. The notice so filed should state that they were entitled to exemption from the payment of a Federal income tax for the year 1933.

It is to be observed that an individual who files such notice is not entitled to exemption from performing assessment work on more than six lode claims nor on more than six placer claims not to exceed 120 acres (in all) and that a partnership, association, or corporation is not entitled to such exemption on more than twelve lode claims nor on more than twelve placer claims not to exceed two hundred and forty acres (in all).

Very respectfully,

FRED W. JOHNSON

Commissioner.

Approved: May 29, 1934.

T. A. WALTERS

First Assistant Secretary.

Circular No. 1326

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

June 15, 1934

: Absences from homestead lands
: because of economic conditions.
: Act of May 21, 1934 (Public
: No. 241).

Registers,

United States Land Offices.

Sirs:

The act of May 21, 1934 (Public No. 241 - 73rd Congress), entitled "An Act granting a leave of absence to settlers of homestead lands during the years 1932, 1933, and 1934," reads as follows:

> "That any homestead settler or entryman who, during the calendar years 1932 or 1933, found it necessary, or during 1934 should find it necessary, because of economic conditions, to leave his homestead to seek employment in order to obtain the necessaries of life for himself and/or family or to provide for the education of his children, may, upon filing with the register of the district his affidavit, supported by corroborating affidavits of two disinterested persons, showing the necessity of such absence, be excused from compliance with the requirements of the homestead laws as to residence, cultivation, improvements, expenditures, or payment of purchase money as the case may be, during all or any part of the calendar years 1932, 1933, and 1934, and said entries shall not be open to contest or protest because of failure to comply with such requirements during such absence; except that the time of such absence shall not be deducted from the actual residence required by law, but a period equal to such absence shall be added to the statutory life of the entry: Provided, That any entryman holding an unperfected entry on ceded Indian lands may be excused from the requirements of residence upon the conditions provided herein, but shall not be entitled to extension of time for the payment of any installment of the purchase price of the land except upon payment of interest, in advance, at the rate of 4 per centum per annum on the principal of any unpaid purchase price from the date when such payment or payments became due to and inclusive of the date of the expiration of the period of relief granted hereunder."

Leaves of absences for all or part of the years mentioned by this act may be granted thereunder to any homestead settler or entryman who has

established actual residence upon the lands and who thereafter found it necessary because of economic conditions to leave his homestead to seek employment in order to obtain food and other necessaries of life for himself and/or family or to provide for the education of his children.

The application for such leave of absence must be filed in the proper district land office and give the name and present address of the applicant and be sworn to by him and corroborated by the affidavits of at least two witnesses in the land district or county within which the lands claimed under the homestead laws are located, before an officer authorized to administer oaths and using a seal. It must describe the land by legal subdivisions, section, township and range numbers, give the serial number of the entry and name of land office and show the date when residence was established thereon and how the same was maintained thereafter by giving the dates of the beginning and ending of all residence periods and of all absence periods, and the character of the improvements and cultivation performed by the applicant. It must set forth fully all the facts on which the claimant bases his right to a leave of absence, what effort was made to raise crops giving the dates of the planting and the kind of crops planted, the purpose of his request for leave, and the period for which the leave is desired. The address of the claimant during his absence should also be supplied if possible.

Entrymen of ceded Indian reservation lands desiring relief under this act are not entitled to an extension of time for the payment of any installment of the purchase price of the land, unless their application for relief thereunder is accompanied by payment of interest at the rate of 4 per centum per annum on the principal of any unpaid purchase price from the date when such payment or payments became due to and inclusive of the date of the expiration of the period of relief granted under the act.

The act applies to entrymen only if they have established residence upon their claims. It also applies to settlers who have not made entries. If the latter file application for leave of absence hereunder, you will assign them current serial numbers. If the settler has theretofore filed notice of his absence under the act of July 3, 1916 (39 Stat. 349), the application under this act will be given the serial number already assigned such notice of absence.

Relief may not be granted under this act in cases where entrymen have not complied with the law sufficiently to enable them to make acceptable proof within the statutory period of the entry as extended by invoking the provisions of this act or other relief acts. The period during which a homesteader is absent from his claim, pursuant to a leave duly granted under this act, can not be counted as a part of the actual residence on the land required by law, but an equivalent period may be added to the statutory life of the entry.

If the application for relief under this act is allowed, it will operate as a stay during the period for which the leave is granted against

contest based upon the charge that the entryman has failed to comply with the law in the matter of residence, cultivation, improvements, expenditures, or payments of purchase price, prior to the filing of the application for leave of absence, in the absence of fraud in procuring the same.

If the showing made is satisfactory, you will promptly forward the application to this office by special letter with notation of your allowance thereof and advise the applicant of your allowance of this application by ordinary mail. If it is not satisfactory, you will reject the application, subject to the usual right of appeal, and all appeals will be promptly forwarded to this office by special letters.

Very respectfully,

(Sgd) Fred. W. Johnson

Commissioner.

Approved: June 15, 1934.

(Sgd) T. A. Walters

First Assistant Secretary.

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Part 166

Still in effect 5/3/54 AR

See Circ 541

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

July 18, 1934.

Circular No. 1328

Second homestead entries - Act of June 21, 1934. Instructions.

Registers,

United States Land Offices.

Sirs:

Your attention is directed to the act of Congress approved June 21, 1934 (Public 441 - 73rd Congress), which provides:

> That hereafter any person who has heretofore made entry under the homestead laws on any lands embraced within any reservation ceded to the United States by the Indian tribes, and has paid for his land the sum of at least $1.25 per acre, shall, upon proof of such facts, if otherwise qualified, be entitled to the benefit of the homestead law as though such former entry had not been made; but the provisions of this Act shall not apply to any person who has failed to pay the full price for his former entry or whose former entry was canceled for fraud: Provided, That, in making any new homestead entry as authorized by this Act or the prior similar Acts of February 20, 1917 (39 Stat. 926), and February 25, 1925 (43 Stat. 981), such entry shall not include any land to which the Indian title shall not have been fully extinguished.

2. A person claiming the right of second homestead entry pursuant to the provisions of this act must furnish a description

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of the land included in his perfected entry or data from which it can be identified, and he must state that he paid $1.25 or more per acre for the tract, but it is not necessary that he name the precise price paid. If the former entry embraced tracts appraised at less than $1.25 per acre and tracts appraised at more than $1.25 per acre, a second entry hereunder is not allowable unless the aggregate sum of the appraised prices of the former entry equals $1.25 per acre or more.

3. A second entry is not allowable unless the first entry was made prior to June 21, 1934, and unless satisfactory final proof has been submitted thereon and the entire price of the land included therein has been paid prior to the date of the application for second entry.

4. The act has no application if the first entry be canceled. Such cases will be governed by the general statutes allowing second entries.

5. If the original tract lies within your district, you will pass upon the application and will allow the entry if such action be proper; if said tract be not in your district, you will forward the application to this office for consideration.

6. A person who is entitled to the benefits of this act may at his option make second entry under either the general homestead

law, the enlarged homestead act, or the stock-raising homestead act. Compliance with the law must be shown as though it were an original entry.

7. This act prohibits the allowance of any application to make a second homestead entry thereunder or under the act of February 20, 1917 (39 Stat. 926), or the act of February 25, 1925 (43 Stat. 961), if it includes any land to which the Indian title shall not have been fully extinguished.

Very respectfully,

(signed) Fred W. Johnson,

Commissioner.

Approved: July 18, 1934

(Signed) T. A. Walters,
First Assistant Secretary.

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UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Superseded by Circ. 1453 + 1552

Circular No. 1331 July 31, 1934.

ASSIGNMENTS OF INTERESTS IN OIL AND GAS PERMITS.

See Circ 1840

Registers,

United States Land Offices.

Sirs:

May 10, 1934, the Department adopted and made effective with reference to approval of assignments of interests in oil and gas prospecting permits under paragraph 1 (g) of the regulations of April 4, 1932 (53 I.D. 640, 642), the following rules of administrative practice:

1. Assignments of royalty interest in permits shall be approved only "subject to the condition that notwithstanding anything in this assignment to the contrary, the assignee shall have no right to a voice in and no vestige of control over prospecting, development, or production operations or over disposal of the oil and gas deposits affected but shall take and hold only a contingent right to receive a portion of the oil and gas or of the proceeds derived from the disposal of such deposits if and when produced with the sanction of the Secretary of the Interior." Royalty interests so limited involve no holding or control of lands or deposits within the meaning of section 27 of the leasing law of February 25, 1920 (41 Stat. 437), as amended and re-enacted March 4, 1931 (46 Stat. 1523), and owners thereof will not be chargeable with acreage under said section. Reservations of royalty interest in permits shall be treated in like manner.

2. Assignments of other than royalty interest in permits shall be approved only if affecting a change of ownership of the entire interest or an undivided

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partial interest in the control of operations under permit affected. Such interests constitute holdings and control of lands and deposits within the meaning of section 27, supra, and will be charged with acreage pro rata in accordance with the degree or percentage of control over development and disposal of production.

Accordingly, the holders of royalty interests, whether by approval of assignments or reserved by the transferors of title to permits, will not be recognized as having any voice in or control over operations under the permits or disposal of production therefrom. Consent to the stipulations provided by the regulations of April 4, 1932, will, therefore, not be required as a condition to the approval of an assignment of a royalty interest.

Give such publicity to this circular as may be done without cost to the Government.

Very respectfully,

ANTIONETTE FUNK,
Acting Commissioner.

Approved: July 31, 1934.

(Sgd.) T. A. WALTERS
First Assistant Secretary.

Circular No. 1336
PRELIMINARY REGULATIONS
GOVERNING THE FILING OF APPLICATIONS FOR LEASE
UNDER SECTION 15 OF THE ACT OF JUNE 28, 1934
(TAYLOR GRAZING ACT), PUBLIC NO. 482.

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Superseded by Circ. 1375

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

Registers,
United States Land Offices.

Sirs:

Section 15 of the act of June 28, 1934 (Public No. 482), provides that:

"The Secretary of the Interior is further authorized in his discretion, where vacant, unappropriated, and unreserved lands of the public domain are situated in such isolated or disconnected tracts of six hundred and forty acres or more as not to justify their inclusion in any grazing district to be established pursuant to this Act, to lease any such lands to owners of lands contiguous thereto for grazing purposes, upon application therefor by any such owner, and upon such terms and conditions as the Secretary may prescribe."

In order that those qualified may avail themselves of the provisions of this section without delay, the following preliminary regulations are issued:

1. Any person who is a citizen of the United States or who has declared his intention to become such citizen, or any group or association composed of such persons, or any corporation organized under the laws of the United States or of any State or Territory thereof authorized to conduct business in the State in which the lands involved are situated, and who is the owner of lands adjoining the lands for which lease is desired may file such application.

2. An application for lease should be filed in quadruplicate, under oath, in the United States District Land Office for the district in which such lands are situated, except that in the States in which there are no District Land Offices, the application should be forwarded direct to the Commissioner of the General Land Office, Washington, D. C. The original application only need be sworn to. No specific form of application will be required and no blanks will be furnished, but applications should contain the following information:

(a) Applicant's name and post office address.

(b) A statement as to whether the applicant is a native-born or naturalized citizen of the United States, and if naturalized, evidence of such naturalization must be furnished.

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(c) If the applicant is a corporation, a certified copy of the articles of incorporation must accompany the application, and if an association, a copy of the constitution and by-laws, and evidence of the citizenship of each member must be submitted.

(d) A description of the lands applied for must be furnished in terms of the legal subdivisions of the public land surveys, together with a statement as to whether the lands contain any springs or water holes, and whether the lands are occupied or used for any purpose and by whom.

(e) A description in terms of legal subdivisions of the public land surveys of the lands owned by the applicant upon which the application is based and the nature of the title thereto and when acquired.

(f) A statement as to the number and kind of stock to be grazed upon the lands, seasons of contemplated use, and the manner in which the applicant plans to graze the lands applied for in connection with his general operations.

(g) A statement as to what previous use, if any, the applicant has made of the lands applied for, and whether the lands have been used by any one else, if so, by whom, for what purpose, and to what extent.

(h) Evidence that notice of the application has been served upon the owner or owners of all lands contiguous to those for which lease is sought must be furnished. In the absence of such evidence publication may be required.

3. Every applicant for lease must pay to the Register of the District Land Office at the time of filing an application a fee of five dollars if his lease application is for 1,000 acres or less and an additional five dollars for each additional 1,000 acres or fractional part thereof, which fee will be held suspended by the Register, pending action on the application. If the application is rejected the fee will be returned. If a lease, based on the application, is offered the applicant, and he refuses to accept the same, the fee will be retained and earned, as a service charge.

4. No application will be accepted for less than 640 acres, but two or more isolated or disconnected tracts, if otherwise of the proper status and character and totaling 640 acres or more, may be included in an application.

5. Upon receipt of an application you will assign a current serial number thereto, note the same on your records, and forward the original and two copies to this office. The remaining copy you will forward to the Special Agent in Charge of the Division of Investigations for the division in which the lands are situated. The original, duplicate, triplicate and quadruplicate applications should be accompanied by a status report of all the lands applied for. Conflicting or junior applications will be received, noted, and disposed of in the same manner as senior applications. However, in forwarding such applications attention should be called to the conflicts.

6. The filing of an application under this section in conformity with these regulations and for not to exceed 3840 acres will segregate the lands applied for from other disposition under the public land laws, subject to any prior valid adverse claim, except that at all times the mineral contents in the land shall be subject to prospecting, locating, developing, mining, entering, leasing or patenting under the provisions of the mining laws and to appropriation for rights of way under existing laws, but will not confer on the applicant any right to exercise proprietorship or control over the lands pending action on the application.

The filing of an application for an acreage in excess of 3840 will not, however, have the effect of segregating the lands unless or until it shall be determined that such action is warranted and appropriate instructions are issued to you. Such applications will, however, be regularly received, serialized, noted and disposed of as above indicated.

The filing of an application will not create any right in the applicant to a lease.

Very respectfully,

(Sgd.) Fred W. Johnson,
Commissioner.

I concur:

(Sgd.) N. F. Waddell,
Acting Director in Charge of Grazing.

Approved: September 20, 1934.

(Sgd.) Harold L. Ickes,
Secretary.

Circular No. 1337 UNITED STATES Obsolete - See Circ 1785
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

October 5, 1934.

Registers,
United States Land Offices.

Sirs:

Paragraph 37 (b) of the Mining Regulations (circular No. 430), approved April 11, 1922 (49 L. D. 15), is amended to read as follows:

> (b) Upon application to make agricultural entry of the residue of any original lot or legal subdivision reduced by mining claims, and which residue has been already relotted in accordance therewith, the local officers will accept and approve the application as usual, if found to be regular. When such an application is filed for any such original lot or subdivision, reduced in available area by patented mining claims but not yet relotted accordingly, or where such lot or subdivision is affected by pending applications for mineral patent, none of which the agricultural applicant desires to contest, or by approved surveys of mining claims, the mineral character of which has been duly established, the Register of the local land office will accept and allow the application (if otherwise regular), exclusive of the conflict with the mining claims. The Register will advise this office promptly when the agricultural entryman is ready to make final proof, whereupon the proper public survey office will be advised by this office of such mining claims or portions thereof as are proper to be segregated, and directed to prepare at once, upon the usual drawing-paper township blank, diagram of amended township survey of such original lot or legal subdivision so made fractional by such mineral segregation, designating the agricultural portion by appropriate lot number, beginning with No. 1 in

(over)

Circ. 1337

each section, and giving the area of each lot, and will forthwith transmit one approved copy to the local land office and one to this office.

Very respectfully,

(Sgd.) D. K. Parrott,
Acting Assistant Commissioner.

Approved: October 5, 1934

(Sgd.) T. A. Walters,
First Assistant Secretary.

Office Copy

91652

Circular No. 1338.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

1572411

: Regulations under the Act
: of June 21, 1934 (Public
: No. 440).

Registers:

U. S. Land Offices.

Sirs:

The Act of Congress approved June 21, 1934 (Public No. 440-73d Congress), entitled "An Act Authorizing the Secretary of the Interior to issue patents to the numbered school sections in place, granted to the States by the Act approved February 22, 1889, by the Act approved January 25, 1927 (44 Stat. 1026), and by any other Act of Congress", reads as follows:

> "That the Secretary of the Interior shall upon the application by a State cause patents to be issued to the numbered school sections in place, granted for the support of common schools by the Act approved February 22, 1889, by the Act approved January 25, 1927 (44 Stat. 1026), and by any other Act of Congress, that have been surveyed, or may hereafter be surveyed, and to which title has vested or may hereafter vest in the grantee States, and which have not been reconveyed to the United States or exchanged with the United States for other lands. Such patents shall show the date when title vested in the State and the extent to which the lands are subject to prior conditions, limitations, easements, or rights, if any. In all inquiries as to the character of the land for which patent is sought the fact shall be determined as of the date when the State's title attached."

The purpose of this Act is to provide the States, upon application, with evidence of title to the designated school section lands granted by the Enabling Acts, by the Act of January 25, 1927 (44 Stat. 1026), and by any other Act of Congress. The words "and by any other Act of Congress" are construed to embrace any grant or

grants of numbered school sections in place made to any of the public-land States.

There will be no filing or conveyance fees required on the part of the States in connection with the patenting of school sections in place under this Act.

The Act places no limitation upon the areas which may be applied for under one application. No fixed rule is necessary in regard to the area which may be included in any one patent. This matter will be handled in such manner as will permit the best results from an administrative standpoint.

Application for patent should be filed in the district land office where the land is located and when so filed you will assign a current serial number thereto and transmit the application immediately to this office with a detailed report as to any conflict or adverse claim that may be found of record. Where there is no district land office, the application should be filed in this office after which it will be given a current G. L. O. serial number.

An applicant for patent under this Act will be required to publish notice of its application, at its own expense, in a daily, weekly, or semi-weekly paper, published in the vicinity of the land, once each week for five consecutive weeks, and to furnish proof thereof by affidavit of the publisher or foreman of the newspaper employed. A copy of such notice will be posted in the district land office, or in this office, and remain so posted during the entire period of publication. Notices for publication will be prepared by the Register, or by this office, and will be transmitted to the proper State official for publication in the paper designated. Where publication is made in a daily paper, the notice should appear in the Wednesday issue for five consecutive weeks; if in a semi-weekly paper, in either issue for five consecutive weeks. The notice should require persons asserting claims to any of the lands advertised to file protest or notice of their claims in the district land office, or in this office, within thirty days from the date of last publication, in order to receive proper consideration before the issuance of patent. Protests or contests should be transmitted to this office, with the evidence of publication, at the expiration of such thirty day period.

Determination of the date when title vested in the State and of "prior conditions, limitations, easements, or rights, if any," to which the land is subject, will be ascertained from the records

in this office and in the Geological Survey, and appropriate mention of such facts made in the patent.

You will give these regulations the widest possible publicity without expense to the Government.

Should hearings be ordered the costs will be assessed between the parties thereto in the manner provided by the Rules of Practice.

Very respectfully,

(Sgd.) Fred W. Johnson
Commissioner.

Approved: October 19, 1934.

(Sgd.) T. A. Walters,
First Assistant Secretary.

92755

Filed Nov 24/34

Circular No. 1341.

SUSPENSION OF ANNUAL RENTALS UNDER ACT OF FEBRUARY 9, 1933.

Circular No. 1294, amended.

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UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

November 14, 1934

Registers,
United States Land Offices.

Oil and Gas Supervisors,
Geological Survey.

Gentlemen:

The instructions approved March 3, 1933 (General Land Office Circular No. 1294, 54 I.D. 181), are hereby amended to read as follows:

By the act of February 9, 1933 (47 Stat. 798), the leasing act of February 25, 1920 (41 Stat. 437), is further amended by adding thereto the following section:

"Sec. 39. In the event the Secretary of the Interior, in the interest of conservation, shall direct or shall assent to the suspension of operations and production of coal, oil, and/or gas under any lease granted under the terms of this Act, any payment of acreage rental prescribed by such lease likewise shall be suspended during such period of suspension of operations and production; and the term of such lease shall be extended by adding any such suspension period thereto: Provided, That nothing in this Act shall be construed as affecting existing leases within the borders of the naval petroleum reserves and naval oil-shale reserves."

The provisions of the act apply to oil and gas and coal leases where, in the interest of conservation, suspensions of operations and production have been or may be directed or assented to by the Secretary of the Interior whether the form of suspension is by order of the Secretary of the Interior, by reason of a restricted drilling clause inserted in the lease, or by the granting of such relief upon application by the lessee.

Circ. 1341
Amends 1294

No payment of rentals under oil or gas leases so suspended is required to be made during the periods of suspension of operations and production, beginning with the first day of the lease-month 1/ following the date of filing in the office of the oil and gas supervisor of written application for drilling relief or for drilling and producing relief, or after the date of the act when suspension was then in effect, and ending with the first day of the lease-month in which relief is terminated at the direction of the Secretary of the Interior or by notice from the oil and gas supervisor. In any case where rental has been paid in advance for the period or part of the period of the suspension, the amount applicable to such period subsequent to the date of the approval of these regulations will be credited on the next rental or royalty payment chargeable under the lease. If rental has not been paid in advance by reason of prior suspension of payments therefor, rental for the remainder of the lease-year will be due and payable within 60 days after the effective date of the termination of drilling and/or producing relief.

The drilling and producing requirements of oil and gas leases are separate and distinct requirements, and relief from either or both requirements may be granted after receipt of appropriate application. Relief from the drilling requirements of a lease which has no wells capable of producing oil or gas grants concurrent relief from the producing requirements of that lease. Suspension of payment of acreage rental will be effective in case there is approved drilling and producing relief or approved drilling relief with no wells on the lease capable of producing.

The term of any oil and gas lease shall be extended by adding thereto any period of suspension of operations and production, subsequent to February 9, 1933, assented to or directed by the Secretary of the Interior in the interest of conservation.

Since the suspension of operations and production under a lease extends the term of the lease and suspends payment of rental, the granting of such suspension is a change in the provisions of the lease, and an applicant for such suspension will be required to furnish the assent of the surety on the lease bond to the suspension; and if the privilege of paying compensatory royalty in lieu of conforming to drilling or producing requirements is also desired, the consent of the surety thereto must be filed.

1/ The term "lease-month" as herein used means any one of the successive calendar periods of 28 to 31 days beginning with the effective date of a lease; e.g., for a lease dated the 7th of a calendar month, the lease-month extends from the 7th of any calendar month to and including the 6th of the next succeeding calendar month. A lease-month that ends commonly with the 29th, 30th or 31st of a calendar-month is construed to end with the last day of any calendar month which does not contain its regular termination date.

Relief from payment of rentals under suspended leases will not be affected by the payment by the lessee of compensatory royalty in lieu of drilling and production.

When oil and gas supervisors grant temporary relief or terminate relief from the drilling and/or producing requirements of a lease, notice of granting or terminating relief from payment of acreage rental will be made to the lessee by the Supervisor, and copies of such notices will be furnished to the General Land Office.

While the act does not relieve lessees from payment of rentals accrued prior to its date on leases theretofore suspended, such lessees who are now in default in the payment of past rentals accrued during suspension of operations and production under their leases will be allowed to defer payment of the amounts due until termination of the suspension periods or until otherwise directed by the Secretary.

A suspended preference right to lease the secondary or (b) acreage of the permit will no longer be granted to applicants for lease under section 14 of the Leasing Law. Those who have accepted such rights in lieu of leases with the restricted drilling provision authorized by the regulations will be given notice and allowed 60 days from receipt thereof to execute and file leases, such leases to contain the restricted drilling provision. Any such lease, if issued, will not require payment of annual rental thereon until drilling and producing under the lease is authorized. In case, after notice, the holder of such preference right to lease fails to complete the lease, no further right to lease the land will be recognized, and the permit will be cancelled.

The provisions of the act apply to coal leases when suspension of the requirements of section (2-i) of the leases is made in the interest of conservation. However, a coal lessee will not be excused from payment of annual rental if the required production under the lease is modified to a lesser amount than provided in the lease, or modified to require no production where the application for such modification is made subsequent to the expiration of the year for which the relief is requested.

These regulations shall be effective on and after the date of approval hereof.

Very respectfully,

(Sgd.) Antoinette Funk,
Acting Commissioner, General Land Office.

(Sgd.) W. C. Mendenhall,
Director, Geological Survey.

Approved: November 14, 1934

(Sgd.) T. A. Walters,
First Assistant Secretary.

1341

Part 147, 43 CFR

Superseded by Cir. 1845

Circular No. 1346

REGULATIONS GOVERNING GIFTS OF LANDS AND THE FILING OF APPLICATIONS FOR EXCHANGES OF PRIVATELY OWNED AND STATE LANDS UNDER SECTION 8 OF THE ACT OF JUNE 28, 1934 TAYLOR GRAZING ACT (48 STAT. 1269)

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See Cir. 1398, Inc.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

February 8, 1935.

Registers,

United States Land Offices.

Sirs:

Section 8 of the Taylor Grazing Act approved June 28, 1934 (48 Stat. 1269), makes limited provision (a) for the acceptance by the Secretary of the Interior of lands within the exterior boundaries of a grazing district as a gift, (b) for exchanges of privately owned lands within a grazing district for public lands within or without a grazing district, and (c) for exchanges of State lands within or without grazing districts for public lands within or without such districts. The section reads as follows:

> "That where such action will promote the purposes of the district or facilitate its administration, the Secretary is authorized and directed to accept on behalf of the United States any lands within the exterior boundaries of a district as a gift, or, when public interests will be benefited thereby, he is authorized and directed to accept on behalf of the United States title to any privately owned lands within the exterior boundaries of said grazing district, and in exchange therefor to issue patent for not to exceed an equal value of surveyed grazing district land or of unreserved surveyed public land in the same State or within distance of not more than fifty miles within the

See 1373 as to fees on exchg of State lands.

Cir. 1346

adjoining State nearest the base lands: Provided, That before any such exchange shall be effected, notice of the contemplated exchange, describing the lands involved, shall be published by the Secretary of the Interior once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in the same manner in some like newspaper published in any county in which may be situated any lands to be given in such exchange; lands conveyed to the United States under this Act shall, upon acceptance of title, become public lands and parts of the grazing district within whose exterior boundaries they are located: Provided further, That either party to an exchange may make reservations of minerals, easements, or rights of use, the values of which shall be duly considered in determining the values of the exchanged lands. Where reservations are made in lands conveyed to the United States, the right to enjoy them shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary of the Interior. Where mineral reservations are made in lands conveyed by the United States, it shall be so stipulated in the patent, and any person who acquires the right to mine and remove the reserved mineral deposits may enter and occupy so much of the surface as may be required for all purposes incident to the mining and removal of the minerals therefrom, and may mine and remove such minerals, upon payment to the owner of the surface for damages caused to the land and improvements thereon. Upon application of any State to exchange lands within or without the boundary of a grazing district the Secretary of the Interior is authorized and directed, in the manner provided for the exchange of privately owned lands in this section, to proceed with such exchange at the earliest practicable date and to cooperate fully with the State to that end, but no State shall be permitted to select lieu lands in another State."

GIFTS OF LANDS TO THE UNITED STATES

1. Offer to Convey. Gifts of lands within the exterior boundaries of a grazing district may be accepted by the Secretary of

the Interior on behalf of the United States "where such action will promote the purposes of the district or facilitate its administration". Any person desiring to make such a gift of lands should submit to the Commissioner of the General Land Office at Washington, D. C., an offer to voluntarily convey and transfer to the United States any lands within a grazing district, describing such lands by legal subdivisions of the public land surveys. The offer should be accompanied by an affidavit showing that the offeror is the record owner in fee of the lands so offered, free and clear of all encumbrances, and that there are no persons claiming the land adversely to the offeror. The affidavit should also show whether the taxes have been paid on the land for the preceding year and whether there are any taxes due or unpaid on such land or that could operate as a lien thereon. The application and affidavit should be submitted in triplicate.

2. Action by General Land Office. The offer of gift and accompanying affidavit will be promptly considered upon receipt in the General Land Office, and if found regular and the records of said office show the land involved to be in private ownership and in a grazing district, the duplicate will be transmitted to the Director of Grazing for a report as to whether the acquisition of such lands will promote the purposes of the grazing district or facilitate in its administration, and the triplicate will be transmitted to the Director of the Division of Investigations for report as to what the records of the county in which the land is situated disclose as to the ownership of such land and any taxes that may be unpaid in connection with such land, and as to whether there are any persons occupying and claiming the lands adversely to the offeror. These reports shall be expedited to the Commissioner of the General Land Office, and if upon consideration thereof it shall appear that the offeror has good title to the land offered as a gift and that the acquisition of such land by the United States would be warranted, the register of the district land office will be advised, with the approval of the Secretary of the Interior of such offer and agreement to accept the same in behalf of the United States, and that a serial number should be assigned to the case and the General Land Office advised thereof, and that appropriate notations of the offer should be made on the district land office records. The register shall be instructed to advise the offeror of the agreement to accept the land involved as a gift, and that the offeror should submit a voluntary deed of conveyance to the United States of the land so offered, an affidavit stating that such offeror has not conveyed or encumbered the land in any manner from the time of making the offer up to and including the date or recordation of the deed, and evidence by the proper county official to show that all taxes due on the said land or that could operate as a lien thereon have been paid in full. If, upon receipt in the General Land Office of the conveyance and additional evidence, the same are found regular, title shall be accepted to the offered land as a gift, and the register shall be advised thereof and instructed to advise the donor of the acceptance of the gift of land involved.

1346

3. Deed of Conveyance. The deed of conveyance to the United States must be executed, acknowledged and duly recorded in accordance with the laws of the State in which the lands are situated. The deed should recite that it is made "as a gift", as authorized by section 8 of the act of June 28, 1934 (48 Stat. 1269). Where such deed is made by an individual, it must show whether the person making the conveyance is married or single. If married, the wife or husband of such person as the case may be, must join in the execution and acknowledgment of the deed in such manner as to bar effectually any right of curtesy or dower, or any claim whatsoever to the land conveyed, or it must be fully and satisfactorily shown that under the laws of the State in which the land conveyed is situated, such husband or wife has no interest whatsoever, present or prospective, which makes his or her joining in the deed of conveyance necessary. Where the deed of conveyance is by a corporation, it should be recited in the instrument of transfer that the deed was executed pursuant to an order or by the direction of the board of directors, or other governing body, and a copy of such order or direction must accompany such instrument of transfer and both should bear the impression of the corporate seal.

EXCHANGE OF PRIVATELY OWNED LANDS

4. Application for Exchange. Section 8 of the act authorizes and directs the Secretary of the Interior to exchange for privately owned lands within a grazing district surveyed grazing district lands or unreserved surveyed public lands in the same State or within a distance of not more than 50 miles within the adjoining State nearest the base lands when the public interests will be benefited thereby. Whether or not an exchange will benefit the public interests is a question of fact to be determined by the Secretary of the Interior in the light of all the circumstances.

Persons, firms, or corporations desiring to exchange lands pursuant to this section should file in the district land office having jurisdiction over the selected lands or in the General Land Office, when there is no United States district land office within the State, an application, in triplicate, setting forth by legal subdivisions of the public land surveys the lands offered to the Government and the lands to be selected in exchange therefor. The application should contain the full name and post office address of the applicant, identify the grazing district in which the offered lands are situated, state whether or not any reservations of minerals, easements, or other rights in or to the offered lands are desired, and what use thereof is contemplated. It should also show the reservations or easements which are acceptable to the applicant and are to be made by the United States affecting the selected lands.

The application must be accompanied by an affidavit showing that the applicant is legally capable of consummating the exchange,

that he is the owner of the lands offered in exchange, that such offered lands are not the basis of another selection or exchange, and that the selected lands are unappropriated and are not occupied, claimed, improved or cultivated by any person adversely to the applicant.

The application must be accompanied with a corroborated affidavit relative to springs and water holes on the selected lands, in accordance with existing regulations pertaining thereto. The application must also be accompanied with an affidavit showing that the lands relinquished and the lands selected are approximately of equal value. The act requires that the value of the selected lands shall not exceed that of the offered lands, consideration being given to any reservation of minerals or easements which may be made by the applicant or the United States. The values of both offered and selected lands are to be determined by the Secretary of the Interior.

Payment of fees will be required at the rate of $2.00 for each selection of 160 acres or fraction thereof.

5. Action by Register. If the application for exchange appears regular and in conformity with the law and these regulations, the register will assign the current serial number thereto and after making appropriate notation upon his records, will transmit the original copy of the application to the General Land Office, together with a report as to any conflicts of record, and will transmit the duplicate copy of the application to the Director of Grazing, who will report to the Commissioner of the General Land Office as to whether the consummation of such exchange will benefit the public interests and as to whether in his opinion the exchange should be authorized.

Upon receipt of a favorable report from the Director of Grazing, the Commissioner of the General Land Office will, all else being regular, request the Director of the Division of Investigations to have a field investigation made for the purpose of determining the values of the offered and selected lands; whether the selected lands are occupied, improved, cultivated or claimed by another; whether the selected lands contain minerals, timber, springs, water holes, hot or medicinal springs, or any special features which should be considered in acting on the application; whether the reservation which the applicant desires to make in the offered lands, if any, together with the contemplated use of such reservation will in any way affect adversely the administration of the grazing district; and whether there are any reasons why the exchange should not be consummated. The field examination should be made as soon as possible and report and special recommendation should be submitted to the General Land Office.

6. Evidence Required. When the field investigation report is received and an exchange of equal values has been established, the Commissioner of the General Land Office, unless he has reasons to do otherwise, will, with the approval of the Secretary

of the Interior, issue notice for publication of the contemplated exchange, and will require the applicant, through the register of the district land office, to submit proof of publication of notice, a deed of conveyance of the offered lands duly recorded, an abstract of title showing that at the time the deed of conveyance to the United States was recorded the title to the lands covered by such deed was in the party making the conveyance, a certificate that the lands so conveyed were free from judgments or mortgage liens, pending suits, tax assessments, or other encumbrances, and a certificate by the proper official of the county in which the lands conveyed are situated showing that all taxes levied or assessed against the lands conveyed to the United States, or that could operate as a lien thereon, have been fully paid, or whether there is a tax due on such lands that could operate as a lien thereon but which tax is not yet payable and that there are no unredeemed tax sales and no tax deeds outstanding against such lands conveyed to the United States.

7. Publication of Notice. The publication notice must give the name and post office address of the applicant, serial number and date of the application, act under which application is filed, describe both the offered and selected lands in terms of legal subdivisions of the public land surveys, and state that the purpose of the notice is to allow all persons claiming the selected lands or having bona fide objection to such exchange and opportunity to file their protests or other objections in the district land office, or in the General Land Office, together with evidence that a copy of such protest or objection has been served upon the applicant. Such notice must be published at the expense of the applicant once a week for four consecutive weeks in some designated newspaper of general circulation in the county or counties in which may be situated the lands offered to the United States, and in the same manner in some like newspaper published in any county in which may be situated any lands selected in exchange. In the event the newspaper is a daily, the publication should be made in the Wednesday issue thereof. A similar notice will be posted in the district land office during the required period of publication and the register shall certify as to the posting. Such notice for publication will be sent by the General Land Office to the register for forwarding by him to the applicant with instructions for publication in the newspaper or newspapers designated, but where there is no United States land office in the State, the notice will be sent direct to the applicant with instructions for publication in the newspaper designated. Proof of publication of notice shall consist of an affidavit by the publisher, or foreman, or other proper employee of the newspaper, showing the dates of publication, and attaching thereto a copy of the notice as published. The register shall transmit such evidence of publication to this office with his report as to whether or not protests or contests have been filed against the proposed exchange, and shall certify as to the posting of notice in his office.

8. Deed of Conveyance. The deed of conveyance to the United States must be executed, acknowledged and duly recorded in accordance with the laws of the State in which the lands are situated. Such revenue stamps as are required by law must be affixed to the deed and canceled. The deed should recite that it is made "for and in consideration of the exchange of certain lands, as authorized by section 8 of the act of June 28, 1934 (48 Stat. 1269)." Where such deed is made by an individual, it must show whether the person making the conveyance is married or single. If married, the wife or husband of such person as the case may be, must join in the execution and acknowledgment of the deed in such manner as to bar effectually any right of curtesy or dower, or any claim whatsoever to the land conveyed, or it must be fully and satisfactorily shown that under the laws of the State in which the land conveyed is situated, such husband or wife has no interest whatsoever, present or prospective, which makes his or her joining in the deed of conveyance necessary. Where the deed of conveyance is by a corporation, it should be recited in the instrument of transfer that the deed was executed pursuant to an order or by the direction of the board of directors, or other governing body, and a copy of such order or direction must accompany such instrument of transfer and both should bear the impression of the corporate seal.

9. Abstract of Title. The abstract of title must show that the title memoranda contained therein are a full, true and complete abstract of all matters of record or on file in the offices of the recorder of deeds and in the offices of the clerks of courts of record of that jurisdiction, including all conveyances, mortgages, pending suits, judgments, liens, lis pendens or other encumbrances or instruments which are required by law to be filed with the recording officer and which appear in the records of the office of the clerks of courts of record affecting in any manner whatsoever the title to the land to be conveyed to the United States. The abstract of title may be prepared and certified by the recorder of deeds or other proper officer under his official seal, or it may be prepared and authenticated by an abstractor or by an abstract company, approved by the General Land Office, in accordance with section 42 of the mining regulations of April 11, 1922 (49 L. D. 15, 69).

10. Taxes. In case taxes have been assessed or levied on lands conveyed to the United States, and such taxes are not due and payable until some future date, the applicant in addition to the certificate above required relative to taxes and tax assessments, may furnish a bond with qualified corporate surety for the sum of twice the amount of taxes paid on the land for the previous year in order to indemnify the United States against loss for the tax as assessed or levied but not yet due and payable. In lieu of the bond the applicant may submit a sum similar to that required in the bond, and if and when proper evidence is furnished showing the taxes on the land conveyed have been paid in full, the said sum will be returned to the applicant.

11. Action by General Land Office. The publication of notice, conveyance, abstract of title and other evidence required of the applicant will, upon receipt in the General Land Office, be examined, and if found regular and in conformity with law, and there are no objections, title will be accepted to the offered land and patent will issue for the land selected in exchange.

Should the report from the Director of the Division of Investigations, upon field investigation, disclose inequalities of value, the Commissioner of the General Land Office will advise the applicant and afford him an opportunity to adjust matters so as to bring the exchange within the provisions of the law.

Notices of additional requirements, rejection or other adverse action will be given, and the right of appeal, review, or rehearing recognized in the manner now prescribed by the Rules of Practice. Protests against exchanges should be filed in the district land office from where they will be transmitted to the General Land Office for consideration and disposal.

Should the application for exchange be finally rejected or the selection canceled for any reason, the abstract of title will be returned, and the applicant will be advised of his right to apply for a quitclaim deed under existing law for the land conveyed to the United States.

An application for exchange will be noted "suspended" by the register and unless disallowed, the lands applied for in exchange will be segregated upon the records of the district land office and General Land Office, and will not be subject to other appropriation, application, selection or filing.

EXCHANGE OF STATE LANDS

12. Application for Exchange. Section 8 of the act authorizes exchanges of lands between the United States and a State, when public interests will be benefited thereby, and provides for the issuance of patent for the selected lands upon acceptance of title to the lands conveyed to the United States in exchange therefor. The lands offered in exchange by a State may be lands owned by the State within or without the boundary of a grazing district, and the selected lands may be an equal value of surveyed grazing district lands or unreserved surveyed public lands of the United States within the same State. Whether or not an exchange will benefit the public interests is a question of fact to be determined by the Secretary of the Interior in the light of all the circumstances.

A State desiring to exchange lands under the provisions of this act should file application, in triplicate, in the district land office having jurisdiction over the selected lands, or in the General Land Office, when there is no United States district land office within the State. Such application should describe the lands offered to the Government as well as those to be selected in exchange, by legal subdivisions of the public land surveys, or by entire sections, and nothing less than a legal subdivision may be surrendered or selected. The application for exchange should identify the grazing district in which the offered lands are situated, if in a grazing district, and should state whether or not any reservations of minerals, easements, or other rights in or to the offered lands are desired, and what use thereof is contemplated. It should also show the reservations or easements which are acceptable to the State and which are to be made by the United States affecting the selected lands. Each application for an exchange must be accompanied by the following certificate and affidavits:

A. A certificate by the selecting agent showing that the selection is made under and pursuant to the laws of the State.

B. An affidavit showing that the State is the owner of the lands offered in exchange, that such offered lands are not the basis of another selection or exchange, and that the selected lands are unappropriated and are not occupied, claimed, improved, or cultivated by any person adversely to the State.

C. A corroborated affidavit relative to springs and water holes on the selected lands in accordance with existing regulations pertaining thereto.

D. An affidavit showing that the lands relinquished and the lands selected are approximately of equal value.

The act requires that the value of the selected lands should not exceed that of the offered lands, consideration being given to any reservations of minerals or easements which may be made by the State or the United States. The values of both offered and selected lands are to be determined by the Secretary of the Interior.

Payment of fees will be required at the rate of $2.00 for each selection of 160 acres or fraction thereof.

13. Action by the Register. If the application for exchange appears regular and in conformity with the law and these regulations, the register will assign the current serial number thereto, and, after making appropriate notations upon his records, will transmit the original copy of the application to the General Land Office, together with a report as to any conflicts of record, and will transmit the duplicate copy of the application to the Director of Grazing, who will report to the Commissioner of the General Land Office as to whether the consummation of such exchange will benefit the public interests and as to whether in his opinion the exchange should be authorized.

Upon receipt of a favorable report from the Director of Grazing, the Commissioner of the General Land Office will, all else being regular, request the Director of the Division of Investigations to have a field investigation made for the purpose of determining the values of the offered and selected lands; whether the selected lands are occupied, improved, cultivated or claimed by any one adversely to the State; whether the selected lands contain minerals, timber, springs, water holes, hot or medicinal springs, or any special features which should be considered in acting on the application; whether the reservation which the State desires to make in the offered lands, if any, together with the contemplated use of such reservation, will in any way affect adversely the administration of the grazing district; and, whether there are any reasons why the exchange should not be consummated. The field examination should be made as soon as possible, and report and special recommendation should be submitted to the General Land Office.

14. Evidence Required. When the field investigation report is received and an exchange of equal values has been estab-

lished, the Commissioner of the General Land Office, unless he has reason to do otherwise, will, with the approval of the Secretary of the Interior, issue notice for publication of the contemplated exchange, and will require the State, through the register of the district land office, to submit proof of publication of notice, a deed of conveyance of the offered lands, duly recorded, a certificate of the proper State officer showing that the offered lands have not been sold or otherwise encumbered by the State, and a certificate by the recorder of deeds or official custodian of the records of transfers of real estate, in the proper county, or by an abstracter or abstract company approved by the General Land Office, that no instrument purporting to convey or in any way encumber title to the offered land is of record or on file in his office. If, however, the offered lands were ever held in private ownership and were acquired by the State from such source, it will be necessary for the State to furnish an abstract of title showing that at the time the deed of conveyance to the United States was recorded the title to the lands covered by such deed was in the State making the conveyance, a certificate that the lands so conveyed were free from judgments or mortgages, liens, pending suits, tax assessments, or other encumbrances, and a certificate by the proper official of the county in which the lands conveyed are situated showing that all taxes levied or assessed against the lands conveyed to the United States, or that could operate thereon as a lien, have been fully paid or that no taxes have been levied, or whether there is a tax due on such lands that could operate as a lien thereon but which tax is not yet payable, and that there are no unredeemed tax sales and no tax deeds outstanding against such lands conveyed to the United States.

15. Publication of Notice. The publication notice must give the name of the State making application, the serial number and date of the application, act under which application is filed, describe both the offered and selected lands in terms of legal subdivisions of the public land surveys, and state that the purpose of the notice is to allow all persons claiming the selected lands or having bona fide objections to such exchange an opportunity to file their protests or other objections in the district land office, or in the General Land Office, together with evidence that a copy of such protest or objection has been served upon the State. Such notice must be published at the expense of the State once a week for four consecutive weeks in some designated newspaper of general circulation in the county or counties in which may be situated the lands offered to the United States, and in the same manner in some like newspaper published in any county in which may be situated any lands to be selected in exchange. In the event the newspaper is a

daily, the publication should be made in the Wednesday issue thereof. A similar notice will be posted in the district land office during the required period of publication. Such notice for publication will be sent by the General Land Office to the register for forwarding by him to the applicant with instructions for publication in the newspaper or newspapers designated, but where there is no United States land office in the State applying for the exchange, the notice will be sent direct to the State with instructions for publication in the newspaper designated. Proof of publication of notice shall consist of an affidavit by the publisher, or foreman, or other proper employee of the newspaper, showing the dates of publication, and attaching thereto a copy of the notice as published. The register shall transmit such evidence of publication to this office with his report as to whether or not protests or contests have been filed against the proposed exchange, and shall certify as to the posting of notice in his office.

16. Deed of Conveyance. The deed of conveyance to the United States must be executed, acknowledged, and duly recorded in accordance with the laws of the State making the exchange, and must be accompanied by a certificate of the proper State officer showing that the officer executing the conveyance was authorized to do so under the State law. The deed should recite that it is made "for and in consideration of the exchange of certain lands, as authorized by section 8 of the act of June 28, 1934 (48 Stat. 1269)."

17. Abstract of Title. The abstract of title must show that the title memoranda contained therein are a full, true and complete abstract of all matters of record or on file in the office of the recorder of deeds and in the offices of the clerks of courts of record of that jurisdiction, including all conveyances, mortgages, pending suits, judgments, liens, lis pendens or other encumbrances or instruments which are required by law to be filed with the recording officer and which appear in the records of the offices of the clerks of courts of record affecting in any manner whatsoever the title to the land to be conveyed to the United States. The abstract of title may be prepared and certified by the recorder of deeds or other proper officer under his official seal, or it may be prepared and authenticated by an abstracter or by an abstract company, approved by the General Land Office, in accordance with section 42 of the mining regulations of April 11, 1922 (49 L.D. 15, 69).

18. Taxes. In case the land conveyed to the United States has been held in private ownership and taxes have been assessed or levied thereon, and such taxes are not due and payable until some future date, the State, in addition to the certificate above required relative to taxes and tax assessments, may furnish a bond with qualified corporate surety for the sum of twice the amount of taxes paid on the land for the previous year in order to indemnify the Unites States against loss for the tax as assessed or levied but not yet due and payable. In lieu of the bond the State may submit a sum similar to that required in the bond, and if and when proper evidence is furnished showing the taxes on the land conveyed have been paid in full, the said sum will be returned to the State.

19. Action by General Land Office. The publication of notice, conveyance, abstract of title and other evidence required of the State will, upon receipt in the General Land Office, be examined, and if found regular and in conformity with law, and there are no objections, title will be accepted to the offered land and patent will issue for the land selected in exchange.

Should the report from the Director of the Division of Investigations, upon field investigation, disclose inequalities of value, the Commissioner of the General Land Office will advise the State and afford opportunity for adjustment so as to bring the exchange within the provisions of the law.

Notices of additional requirements, rejection or other adverse action will be given, and the right of appeal, review, or rehearing recognized in the manner now prescribed by the Rules of Practice. Protests against exchanges should be filed in the district land office, from where they will be transmitted to the General Land Office for consideration and disposal.

Should the application for exchange be finally rejected or the selection canceled for any reason, abstract of title will be returned to the State, and the State will be advised of its right to apply for a quitclaim deed under existing law for the land conveyed to the United States.

An application for exchange will be noted "suspended" by the register and unless disallowed, the lands applied for in exchange will be segregated upon the records of the district land office and General

Land Office, and will not be subject to other appropriation, application, selection or filing.

20. State School Lands. It is provided in section 1 of the act that

> "Nothing in this Act shall be construed in any way to diminish, restrict, or impair any right which has been heretofore or may be hereafter initiated under existing law validly affecting the public lands, and which is maintained pursuant to such law except as otherwise expressly provided in this Act, nor to affect any land heretofore or hereafter surveyed which, except for the provisions of this Act, would be a part of any grant to any State, nor as limiting or restricting the power or authority of any State as to matters within its jurisdiction."

The words "Nothing in this Act shall be construed in any way * * * to affect any land heretofore or hereafter surveyed which, except for the provisions of this Act, would be a part of any grant to any State" were obviously intended to preserve school sections, both surveyed and unsurveyed, included within the boundaries of a grazing district established under the provisions of the Taylor grazing act, in exactly the same status for the purpose of any grant to any State as the lands would have had had the Taylor grazing act not been passed and had the lands not been included in the grazing district.

It follows, therefore, that neither surveyed nor unsurveyed school sections within the boundaries of a grazing district may for that reason only be offered as a basis for an equal area indemnity selection under the act of February 28, 1891 (26 Stat. 796). It also follows that the inclusion of unsurveyed school sections within a grazing district will not prevent the title to such lands from vesting in the State upon the acceptance of the plat of survey thereof by the Commissioner of the General Land Office.

Granted school sections owned by a State within or without the boundaries of a grazing district may be assigned by the State as a basis for an equal value exchange, as provided in section 8 of the Taylor grazing act.

Very respectfully,

(Sgd.) Fred W. Johnson,
Commissioner.

Approved:

(Sgd.) T. A. Walters,

First Assistant Secretary.

97231

Circular 1348.

UNITED STATES
DEPARTMENT OF THE INTERIOR
General Land Office
Washington

March 7, 1935

Instructions.

Registers,

United States Land Offices.

Sirs:

In response to an inquiry concerning the effect of the Executive order of November 26, 1934, withdrawing public lands in aid of the Taylor Grazing Act on contests filed prior thereto, the Department on February 19, 1935, said:

"The Executive order states that: 'The withdrawal hereby effected is subject to existing valid rights'.

In the case of Williams v. Brening (51 L.D.225), it was held, in connection with a similar withdrawal of December 8, 1924, involving lands off the coast of Florida, that the saving clause of the order, protected, upon cancellation of the entry as the result of a contest, the preference right of the contestant which had been earned, although not actually awarded, prior to the withdrawal.

The contest was initiated and is being prosecuted as provided by law and in accordance with departmental regulations. The law provides that if a contestant is successful he shall be allowed thirty days from notice of cancellation of the contested entry to enter the land. There is here a right to carry the proceedings, which were begun prior to the withdrawal, to a conclusion, and if the contestant shall be successful he will be entitled to the statutory reward.

Effect of Withdrawal of Nov. 26, 1934, on contests initiated prior thereto.

Undoubtedly the President could have made an absolute and unconditional withdrawal, but he did not do so. With reference to the expression, 'existing valid rights,' as used in the saving clause of the Executive Order, the Secretary of the Interior has said (Solicitor's Opinion dated February 8, 1935, M-27554):

> 'I believe this protective provision should be generously applied. The public interest in particular tracts within the confines of the broad expanse thus withdrawn, is too inconsequential to justify the striking down of individual rights through technical construction or harsh application of the protective provision of the order.'

If, after a hearing, or by default, judgment is rendered in favor of the contestant, he will be allowed a preference right to enter the land on cancellation of the present entry."

You will govern yourselves according to the foregoing and if any entry has been canceled since November 26, 1934, as the result of a contest initiated prior to that date, and no other obstacle to exercise of the preference right existed, you will now notify the successful contestant that he will be allowed thirty days within which to exercise his preference right of entry, notwithstanding notice, if any, which may have heretofore issued advising him that his preference right would be held in abeyance pending revocation or modification of the withdrawal.

Very respectfully,

(Sgd.) Fred W. Johnson,
Commissioner.

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Denver, CO 80225